

**ARTICLE V**  
**GENERAL PROVISIONS**

The provisions set forth in this and all other Articles of this act are limitations on the appropriations made in this Act. It is the purpose of the Legislature in enacting this bill only to appropriate funds and to restrict and limit by its provisions the amount and conditions under which the appropriations can be expended.

**PROVISIONS RELATING TO THE POSITION CLASSIFICATION PLAN**

Section 1. Except as otherwise specifically provided in this Act, expenditures of appropriations for the salaries of employees in classified positions in all affected agencies named in Article I, II, IV and the Central Education Agency and Schools for the Deaf and Blind in Article III of this Act, shall be governed by and be in conformity with the provisions of this Section, including the following list of position classification numbers, position titles, salary group allocations, and rates of pay in classification salary schedules hereinafter provided. As used with respect to salary ranges, "minimum" means the lowest rate in a salary range; "midpoint" means the rate designated as Step 4; and "maximum" means the rate designated as Step 8.

# **DETAILED LISTING OF ALL CLASSIFIED POSITIONS**

Class Number	Position Title	Salary Group
0005	Switchboard Operator	04
0006	Switchboard Operator/Receptionist	05
0008	Switchboard Operator Supervisor	06
0011	Messenger	02
0051	Clerk I	02
0053	Clerk II	04
0055	Clerk III	06
0061	Clerical Supervisor I	06
0063	Clerical Supervisor II	07
0065	Clerical Supervisor III	09
0067	Clerical Supervisor IV	11
0103	Clerk Typist I	03
0106	Clerk Typist II	04
0131	Secretary I	05
0133	Secretary II	06
0135	Secretary III	07
0137	Legal Secretary I	09
0138	Administrative Secretary	09
0141	Hearings Reporter I	10
0142	Hearings Reporter II	12
0143	Hearings Reporter III	14
0146	Legal Secretary II	11
0201	Data Entry Operator I	04
0203	Data Entry Operator II	06
0205	Data Entry Operator III	08
0206	Data Entry Operator IV	10
0211	Data Entry Supervisor I	09
0213	Data Entry Supervisor II	11
0215	Data Entry Supervisor III	13
0221	ADP Equipment Operator I	07
0223	ADP Equipment Operator II	09
0225	ADP Equipment Operator III	11
0227	ADP Equipment Operator IV	14
0231	ADP Supervisor I	12
0232	ADP Supervisor II	14
0233	ADP Supervisor III	16
0234	ADP Supervisor IV	18
0239	ADP Programmer Apprentice	12
0240	ADP Programmer I	14
0241	ADP Programmer II	16
0242	ADP Programmer III	18
0243	ADP Programmer IV	20
0244	ADP Record Control Clerk I	05
0245	ADP Record Control Clerk II	07
0246	ADP Record Control Clerk III	09
0247	Magnetic Tape Librarian	08
0251	Programmer Analyst I	18
0252	Programmer Analyst II	20
0253	Programmer Analyst III	21
0254	Systems Support Specialist IV	16
0255	Systems Support Specialist I	10
0257	Systems Support Specialist II	12
0259	Systems Support Specialist III	14
0260	Systems Analyst I	16
0262	Systems Analyst II	18
0264	Systems Analyst III	20
0266	Systems Analyst IV	21
0268	Systems Programmer I	18

## GENERAL PROVISIONS

### DETAILED LISTING OF ALL CLASSIFIED POSITIONS (Continued)

Class Number	Position Title	Salary Group
0269	Systems Programmer II	20
0270	Systems Programmer III	21
0273	Assistant Director of ADP	21
0274	Director of ADP I	19
0275	Director of ADP II	21
0277	Data Base Administrator I	16
0278	Data Base Administrator II	18
0279	Data Base Administrator III	20
0280	Data Base Administrator IV	21
0281	Telecommunications Specialist I	12
0282	Telecommunications Specialist II	14
0283	Telecommunications Specialist III	16
0284	Telecommunications Supervisor	18
0285	Telecommunications Administrator	20
0287T	Network Manager I	16
0288T	Network Manager II	18
0289T	Network Manager III	20
0290	Word Processing Operator I	06
0292	Word Processing Operator II	08
0294	Word Processing Operator III	10
0306	Duplicating Machine Operator I	05
0308	Duplicating Machine Operator II	08
0309	Reproduction Equipment Operator I	09
0310	Reproduction Equipment Operator II	11
0311	Reproduction Equipment Operator III	13
0312T	Reproduction Equipment Operator IV	15
0316	Reproduction Equipment Supervisor I	12
0317	Reproduction Equipment Supervisor II	14
0318	Reproduction Equipment Supervisor III	16
0320	Director of Reprographics	18
0325	Bindery Technician I	05
0326	Bindery Technician II	07
0327	Bindery Technician IV	11
0328	Bindery Technician III	09
0340	Microfilm Camera Operator I	06
0341	Microfilm Camera Operator II	08
0343	Micrographics Technician I	09
0344	Micrographics Technician II	11
0346	Micrographics Supervisor I	13
0347	Micrographics Supervisor II	15
0351T	Darkroom Technician	06
0361	Photographer I	10
0363	Photographer II	12
0365	Photographer III	14
0367	Photographer IV	16
0382	Laminator Operator	07
0386	Document Conservation Technician	08
0389	Document Conservation Supervisor	11
0411	Deputy Clerk, Court of Criminal Appeals	14
0515	Planning Assistant	16
0516	Planner I	17
0517	Planner II	19
0518	Planner III	20
0519	Planner IV	21

# GENERAL PROVISIONS

## DETAILED LISTING OF ALL CLASSIFIED POSITIONS (Continued)

Class Number	Position Title	Salary Group
		21
		11
0520	Director, Program Planning	13
0540	Research Assistant I	15
0542	Research Assistant II	17
0544	Research Specialist I	18
0546	Research Specialist II	19
0548	Research Specialist III	19
0550	Director of Research	21
0552	Research Associate	04
0554	Chief of Research	06
1001	Accounting Clerk I	08
1002	Accounting Clerk II	10
1003	Accounting Clerk III	20
1004T	Accounting Clerk IV	21
1046	Assistant Division Director, State Comptroller	19
1051	Hearings Examiner IV	17
1052	Hearings Examiner III	14
1053	Hearings Examiner II	20
1054	Hearings Examiner I	21
1056	Prehearing Examiner, TWCC	16
1057	Senior Prehearing Examiner, TWCC	11
1058T	Ombudsman, TWCC	12
1059	Taxpayer Compliance Officer I	14
1060	Taxpayer Compliance Officer II	16
1061	Taxpayer Compliance Officer III	17
1063	Taxpayer Compliance Supervisor I	20
1064	Taxpayer Compliance Supervisor II	16
1065	Regional Manager, Field Operations Division	18
1067	Senior Enforcement Officer I	18
1068	Senior Enforcement Officer II	21
1070	Senior Tax Auditor I	11
1071	Senior Tax Auditor II	13
1074	Financial Institutions Examiner I	15
1075	Financial Institutions Examiner II	17
1076	Financial Institutions Examiner III	19
1077	Financial Institutions Examiner IV	21
1078	Financial Institutions Examiner V	11
1079	Financial Institutions Examiner VI	13
1081	Accounts Examiner I	15
1082	Accounts Examiner II	18
1083	Accounts Examiner III	20
1084	Auditor IV	17
1085	Auditor V	17
1086	Accounts Examiner IV	12
1087	Supervising Accounts Examiner	14
1088	Auditor I	16
1089	Auditor II	13
1090	Auditor III	15
1091	Assistant State Auditor I	17
1092	Assistant State Auditor II	19
1093	Assistant State Auditor III	21
1097	Supervising Assistant State Auditor I	12
1098	Supervising Assistant State Auditor II	14
1101	Insurance Examiner I	
1102	Insurance Examiner II	

## GENERAL PROVISIONS

### DETAILED LISTING OF ALL CLASSIFIED POSITIONS (Continued)

Class Number	Position Title	Salary Group
1103	Insurance Examiner III	16
1107	Insurance Examiner IV	18
1108	Insurance Examiner V	20
1114	Assistant Chief Insurance Examiner	21
1120	EDP Audit Specialist I	14
1121	EDP Audit Specialist II	16
1122	EDP Audit Specialist III	18
1123	EDP Audit Specialist IV	20
1124	EDP Audit Specialist V	21
1136	Assistant Director, Registration Division	21
1138	Assistant Director, Enforcement Division	21
1141	Securities Investigator	15
1142	Senior Examiner	19
1144	Supervising Analyst	19
1145	Securities Analyst	15
1146	Senior Analyst	17
1147	Supervising Examiner	20
1150	Budget Examiner I	14
1151	Budget Examiner II	17
1152	Budget Examiner III	19
1153	Budget Examiner IV	21
1155	Budget Analyst I	14
1156	Budget Analyst II	17
1157	Budget Analyst III	19
1158	Budget Analyst IV	21
1161	Accountant I	11
1162	Accountant II	13
1163	Accountant III	16
1164	Chief Accountant I	17
1165	Chief Accountant II	19
1166	Chief Accountant III	20
1169	Director of Finance	20
1180	Assistant Investment Officer	21
1191	Receiver, General Land Office	12
1205	Assistant Director, Auditing and Tax Reporting	21
1206	Assistant Director of Auditing	19
1207	Director of Auditing	21
1208	Director of Accounting	21
1209	Management Audit Assistant	14
1211	Management Auditor I	15
1213	Management Auditor II	17
1215	Supervising Management Auditor	19
1217	Management Audit Director	21
1220	Internal Auditor I	13
1222	Internal Auditor II	15
1224	Internal Auditor III	17
1226	Internal Auditor IV	19
1228	Internal Auditor V	20
1230	Internal Audit Director	21
1301	State Technical Operations Officer	14
1302	Emergency Management Information Officer	17
1303	Regional Liaison Officer	17
1408	Document Examiner I	07
1410	Document Examiner II	09

## GENERAL PROVISIONS

### DETAILED LISTING OF ALL CLASSIFIED POSITIONS (Continued)

Class Number	Position Title	Salary Group
1412	Document Examiner III	11
1414T	Document Examiner Supervisor	13
1501	Administrative Technician I	08
1502	Administrative Technician II	11
1503	Administrative Technician III	13
1504	Administrative Technician IV	15
1506	Administrative Assistant	17
1513	Office Services Supervisor I	06
1514	Office Services Supervisor II	09
1515	Office Services Supervisor III	12
1525T	Program Support Administrator I	17
1527T	Program Support Administrator II	19
1545	Division Director	21
1549	Director of Records Service	18
1550	Staff Services Officer I	16
1551	Staff Services Officer II	18
1552T	Staff Services Officer III	19
1553	Staff Services Officer IV	20
1554	Chief of Staff Services	21
1557	Director of Programs I	20
1558	Special Project Director	21
1559	Director of Programs II	21
1561	Operations Director I	19
1562	Operations Director II	20
1563	Program Administrator I	17
1564	Program Administrator II	18
1565	Program Administrator III	19
1568	Staff Development Specialist I	17
1569	Staff Development Specialist II	19
1570	Staff Development Specialist III	21
1576	Time Distribution Specialist I	13
1577	Time Distribution Specialist II	15
1580	Field Records Analyst	09
1581	Methods and Procedures Specialist	16
1582	Technical Writer	15
1584	Administrative Procedures Technician	16
1645	Assistant Executive Secretary, VLB	18
1656	Director of Business Management	18
1657	Business Manager I	17
1658	Business Manager II	19
1659	Business Manager III	21
1701	Human Resources Clerk I	04
1702	Human Resources Clerk II	06
1703	Human Resources Clerk III	08
1704T	Human Resources Clerk IV	10
1711	Human Resources Assistant I	11
1712	Human Resources Assistant II	13
1721	Position Classification Analyst I	14
1722	Position Classification Analyst II	17
1723	Position Classification Analyst III	19
1724	Assistant Classification Officer	21
1726	Human Resources Technician	16
1727	Human Resources Management Specialist	18
1731	Human Resources Officer I	15

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### DETAILED LISTING OF ALL CLASSIFIED POSITIONS (Continued)

Class Number	Position Title	Salary Group
1732	Human Resources Officer II	16
1733	Human Resources Officer III	17
1749	Assistant Human Resources Management Director	16
1750	Human Resources Management Director I	18
1751	Human Resources Management Director II	19
1755	Director, Human Resources and Staff Development	21
1760T	Trainer I	11
1761T	Trainer II	13
1763	Trainer IV	15
1765	Trainer III	14
1766	Director of Training and Staff Development	19
1767	Assistant Director of Training	15
1768	Director of Training	17
1795	Civil Rights Compliance Specialist	17
1801	Statistical Clerk I	04
1802	Statistical Clerk II	06
1803	Statistical Clerk III	08
1805	Land Inventory and Classification Analyst	12
1807	Nosologist I, Department of Health	08
1808	Nosologist II, Department of Health	10
1811	Statistician I	09
1812	Statistician II	12
1813	Statistician III	15
1815	Rate Statistician	17
1816	Assistant Director, Reports and Statistics	17
1817	Director, Reports and Statistics	19
1818	Assistant Chief of Economic Research and Analysis	18
1819	Chief of Economic Research and Analysis	21
1822	Director, Research Analysis and Statistics	21
1831	Traffic Recorder I	05
1832	Traffic Recorder II	06
1833	Traffic Recorder III	08
1834	Traffic Recorder IV	10
1845	Traffic Survey Supervisor	14
1853	Manager, Urban Traffic Studies	17
1855	Assistant Traffic Manager	16
1858	Traffic Manager	18
1859	Journalist I	10
1860	Journalist II	12
1861	Coordinator, Informational Media	18
1862	Information Specialist I	14
1863	Information Specialist II	16
1864	Information Specialist III	18
1866	Research and Information Specialist	21
1867	Educational Writer	16
1868	Chief of Community Relations	19
1869	Chief of Media Relations	19
1873	Exhibit Technician I	10
1874	Exhibit Technician II	12
1875	Exhibit Technician III	14
1881	Travel Counselor I	06
1882	Travel Counselor II	08
1889	Supervisor, Instructional Media Laboratory	16
1890	Audio Visual Technician I	09

## GENERAL PROVISIONS

### DETAILED LISTING OF ALL CLASSIFIED POSITIONS (Continued)

Class Number	Position Title	Salary Group
1891	Audio Visual Technician II	14
1892	Audio Visual Technician III	16
1895	Museum Curator	15
1898	Director of Graphics	18
1899	Audio Visual Director	16
1901	Stock Clerk I	02
1902	Stock Clerk II	04
1903	Stock Clerk III	06
1906	Methods Analyst	14
1911	Warehouse Supervisor	09
1915	Warehouse Superintendent	12
1925	Property Inventory Clerk I	03
1926	Property Inventory Clerk II	06
1929	Property Supervisor	09
1931	Property Manager	14
1935	Purchasing Clerk I	04
1936	Purchasing Clerk II	06
1937	Purchasing Clerk III	08
1940	Purchasing Assistant	10
1941	Purchaser I	13
1942	Purchaser II	16
1943	Purchaser III	19
1944	Senior Buyer	21
1946	Purchasing and Supply Officer I	12
1947	Purchasing and Supply Officer II	14
1951	Purchases Inspector I	11
1952	Purchases Inspector II	14
1953	Purchasing and Supply Officer III	16
1958	Specifications Chief	18
1960	Specifications Technician I	14
1961	Specifications Technician II	17
1963	Procurement Specialist, Highway Department	15
1980	Chief, Purchasing and Supply Services	18
1981	Economist Assistant I	12
1983	Economist Assistant II	14
1985	Economist I	16
1986	Economist II	18
1987	Economist III	20
2000	Drafter I	08
2001	Drafter II	12
2002	Drafter III	15
2005	Superintendent, Graphic Arts	15
2009	Illustrator I	09
2010	Illustrator II	12
2011	Illustrator III	14
2050	Assistant Land Surveyor, GLO	17
2052	Senior Land Surveyor, GLO	20
2054	Assistant Chief Land Surveyor, GLO	21
2071	Manufacturing Process and Plant Inspector	15
2117	Engineering Aide I	02
2118	Engineering Aide II	04
2119	Engineering Aide III	06
2120	Engineering Aide IV	08
2121	Engineering Technician I	08



## GENERAL PROVISIONS

### DETAILED LISTING OF ALL CLASSIFIED POSITIONS (Continued)

Class Number	Position Title	Salary Group
2122	Engineering Technician II	10
2123	Engineering Technician III	12
2124	Engineering Technician IV	14
2125	Engineering Technician V	16
2127	Engineering Specialist I	17
2128	Engineering Specialist II	18
2129	Engineering Specialist III	19
2130	Engineering Specialist IV	20
2151	Engineering Assistant I	14
2153	Engineering Assistant II	15
2155	Engineering Assistant III	16
2156	Engineer I	17
2158	Engineer II	18
2159	Superintendent of Utilities	21
2160	Engineer III	19
2162	Engineer IV	20
2164	Engineer V	21
2170	Interactive Graphics Technician I	11
2172	Interactive Graphics Technician II	13
2174	Interactive Graphics Technician III	15
2176	Interactive Graphics Technician IV	17
2191	Utility Specialist I	17
2192	Utility Specialist II	19
2193	Utility Specialist III	20
2194	Utility Specialist IV	21
2251	Project Design Assistant I	14
2253	Project Design Assistant II	15
2254	Project Design Assistant III	16
2255	Hydrologist Assistant III	16
2256	Architect I	17
2258	Architect II	18
2260	Architect III	19
2262	Architect IV	20
2264	Architect V	21
2351	Geologist Assistant I	14
2353	Geologist Assistant II	15
2355	Geologist Assistant III	16
2356	Geologist I	17
2358	Geologist II	18
2360	Geologist III	19
2362	Geologist IV	20
2364	Geologist V	21
2366	Chief of Building Engineering and Management	21
2451	Landscape Architect Assistant I	14
2453	Landscape Architect Assistant II	15
2456	Landscape Architect I	17
2458	Landscape Architect II	18
2460	Landscape Architect III	19
2462	Landscape Architect IV	20
2464	Landscape Architect V	21
2551	Hydrologist Assistant I	14
2553	Hydrologist Assistant II	15
2556	Hydrologist I	17
2558	Hydrologist II	18

## GENERAL PROVISIONS

### DETAILED LISTING OF ALL CLASSIFIED POSITIONS (Continued)

Class Number	Position Title	Salary Group
2560	Hydrologist III	19
2562	Hydrologist IV	20
2564	Hydrologist V	21
2661	Chemist I	11
2662	Chemist II	13
2663	Chemist III	15
2664	Chemist IV	17
2665	Chemist V	19
2667	Chemist VI	21
2720	Deputy State Fire Marshal Apprentice	11
2721	Deputy State Fire Marshal I	13
2722	Deputy State Fire Marshal II	15
2723	Deputy State Fire Marshal III	17
2724	Deputy State Fire Marshal IV	19
2725	Deputy State Fire Marshal V	21
2746	Fire and Safety Officer	15
2750	Occupational Safety Officer I	15
2751	Occupational Safety Officer II	17
2752	Occupational Safety Manager I	19
2753	Occupational Safety Manager II	21
2755	Safety Coordinator I, SDHPT	13
2756	Safety Coordinator II, SDHPT	15
2758	Safety Supervisor, SDHPT	16
2781	Hearings Officer, Board of Insurance	20
2785	Safety Services Inspector I	16
2787	Safety Services Inspector II	17
2789	Safety Services Inspector III	19
2791	Financial Examiner Trainee	16
2793	Assistant Financial Examiner	19
2795	Commissioned Financial Examiner	21
2800	Actuary I	19
2802	Actuary II	20
2804	Actuary III	21
2810	Loss Control Representative I	15
2811	Loss Control Representative II	17
2812	Loss Control Representative III	18
2815	Real Estate Appraiser	16
2816	Supervising Real Estate Appraiser	18
2823	Insurance Technician I	08
2824	Insurance Technician II	10
2825	Insurance Technician III	12
2826	Insurance Technician IV	14
2827	Insurance Technician V	15
2828	Insurance Technician VI	16
2829	Insurance Technician VII	17
2830	Insurance Technician VIII	18
2841	Insurance Specialist I	12
2842	Insurance Specialist II	14
2843	Insurance Specialist III	16
2844	Insurance Specialist IV	17
2845	Insurance Specialist V	18
2880	Insurance Director I	19
2883	Insurance Director II	20
2885	Insurance Director III	21

## GENERAL PROVISIONS

### DETAILED LISTING OF ALL CLASSIFIED POSITIONS (Continued)

Class Number	Position Title	Salary Group
2910	Retirement Analyst I	08
2911	Retirement Analyst II	10
2912	Retirement Analyst III	12
2917	Senior Retirement Analyst I	14
2919	Senior Retirement Analyst II	16
3001	Interviewing Clerk	08
3003	Youth Program Supervisor	16
3005	Employment Interviewer I	10
3006	Employment Interviewer II	11
3007	Employment Interviewer III	12
3009	Employment Interviewer IV	13
3011	Supervising Interviewer	13
3020	Counselor Interviewer	12
3021	Employment Counselor I	13
3022	Employment Counselor II	14
3023	Employment Counselor III	15
3026	Employment Specialist	12
3030	Interviewer/Veterans Employment Representative	12
3031	Veterans Employment Representative I	13
3032	Veterans Employment Representative II	14
3033	Veterans Employment Representative III	15
3034	Equal Employment Opportunity Representative	14
3036	Employment Security Labor Representative	15
3038	Senior Employment Security Labor Representative	17
3039	Employment Security Labor Representative Coordinator	18
3041	Employment Supervisor I	14
3042	Employment Supervisor II	15
3043	Employment Supervisor III	16
3044	Monitor/Advocate I	17
3045	Monitor/Advocate II	19
3051	Area Manager I	16
3052	Area Manager II	17
3053	Area Manager III	18
3054	Area Manager IV	19
3061	Employment Security Field Assistant	17
3075	Area Manager V	20
3081	Employment Security District Director I	19
3082	Employment Security District Director II	20
3083	Employment Security District Director III	21
3101	Employment Technician I	13
3102	Employment Technician II	14
3103	Employment Technician III	16
3108	Supervisor of Technical Services	17
3121	Placement Specialist I	15
3122	Placement Specialist II	16
3123	Supervisor, Placement Field Services	17
3129	Chief of Job Service Operations, TEC	21
3141	Labor Market Analyst I	12
3142	Labor Market Analyst II	13
3143	Labor Market Analyst III	15
3148	Supervising Labor Market Analyst	16
3151	Unemployment Insurance Claims Examiner I	10
3152	Unemployment Insurance Claims Examiner II	12
3153	Unemployment Insurance Claims Examiner III	13

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### DETAILED LISTING OF ALL CLASSIFIED POSITIONS (Continued)

Class Number	Position Title	Salary Group
3158	Supervising Unemployment Insurance Claims Examiner	14
3171	Unemployment Insurance Specialist I	15
3172	Unemployment Insurance Specialist II	16
3174	Supervisor, Unemployment Insurance Field Service	17
3184	Unemployment Insurance Supervisor	17
3190	Appeals Referee I, TEC	15
3191	Appeals Referee II, TEC	16
3192	Appeals Referee III, TEC	18
3193	Assistant Supervisor of Appeals, TEC	19
3194	Supervisor of Appeals, TEC	21
3195	Unemployment Tax Supervisor, TEC	16
3197	Assistant Chief of Unemployment Insurance, TEC	18
3198	Chief of Unemployment Insurance, TEC	21
3199	Assistant Chief of Tax, TEC	18
3200	Chief of Tax, TEC	21
3201	Deputy Assistant Administrator	21
3202	Associate Chief of Employment Service	19
3206	Premises Specialist	14
3207	Assistant Supervisor of Premises, TEC	17
3208	Supervisor of Premises	19
3209	Associate Chief of Unemployment Insurance	19
3211	Unemployment Tax Specialist I	15
3212	Unemployment Tax Specialist II	16
3214	Supervisor, Unemployment Tax Field Service	17
3221	Employment Security Program Advisor	19
3225	Confidential Assistant to Commissioner, TEC	19
3425	Supervising Inspector	16
3451	Inspector I, Labor and Standards	10
3452	Inspector II, Labor and Standards	12
3453	Inspector III, Labor and Standards	14
3461	Investigator I, Labor and Standards	10
3462	Investigator II, Labor and Standards	12
3463	Investigator III, Labor and Standards	14
3470	Nuclear Power Plant Inspector	18
3471	Pressure Vessel Plant Inspector	16
3501	Legal Examiner	21
3510	Director of Hearings	21
3511	Assistant Director of Hearings	19
3534	Attorney I	14
3535	Attorney II	15
3536	Attorney III	17
3537	Attorney IV	18
3538	Attorney V	19
3539	Attorney VI	21
3550	Deputy Clerk I	09
3552	Deputy Clerk II	11
3554	Deputy Clerk III	14
3556	Deputy Clerk IV	17
3560	Appellate Secretary I	09
3562	Appellate Secretary II	11
3564	Appellate Secretary III	13
3570	Legal Assistant I	12
3572	Legal Assistant II	14
3574	Legal Assistant III	16

## GENERAL PROVISIONS

### DETAILED LISTING OF ALL CLASSIFIED POSITIONS (Continued)

Class Number	Position Title	Salary Group
3605	Legal Counselor	19
3606	Assistant General Counsel	18
3607	General Counsel	21
3637	Legal Consultant, Department of Health	19
3643	Investigator I	12
3644	Investigator II	14
3645	Investigator III	16
3646	Supervising Investigator	18
3701	Right of Way Appraiser I	13
3702	Right of Way Appraiser II	15
3705	Right of Way Appraiser III	19
3721	Right of Way Agent I	12
3722	Right of Way Agent II	14
3723	Right of Way Agent III	16
3726	Right of Way Agent IV	18
3741	Right of Way Utility Agent I	11
3742	Right of Way Utility Agent II	13
3743	Right of Way Utility Agent III	16
3746	Right of Way Utility Agent IV	18
3776	Senior Investigator-Examiner	17
3780	Right of Way Attorney I	15
3781	Right of Way Attorney II	17
3783	Right of Way Attorney III	19
3797	Superintendent of Contracts	18
3802	Claims Officer I	09
3803	Claims Officer II	11
3804	Claims Officer III	13
3806	Claims Officer IV	15
3900	Appraiser I	13
3901	Appraiser II	15
3902	Appraiser III	17
3903	Supervising Appraiser	19
3904	Chief Appraiser	21
3906T	Appraiser IV	18
4001	Nutritionist I	11
4002	Nutritionist II	13
4003	Nutritionist III	15
4004	Nutritionist IV	18
4005	Nutritionist V	20
4021	Medical Records Clerk	06
4041	Visual Education Specialist	11
4052	Specialist, Child Health I	15
4053	Specialist, Child Health II	17
4054	Specialist, Child Health III	19
4055	Health Program Specialist I	17
4056	Health Program Specialist II	19
4060	Environmental Quality Specialist I	11
4061	Environmental Quality Specialist II	13
4062	Environmental Quality Specialist III	15
4063	Environmental Quality Specialist IV	17
4064	Environmental Quality Specialist V	19
4065	Environmental Quality Specialist VI	21
4070	Public Health Technician I	11
4072	Public Health Technician II	13

## GENERAL PROVISIONS

### DETAILED LISTING OF ALL CLASSIFIED POSITIONS (Continued)

Class Number	Position Title	Salary Group
4074	Public Health Technician III	15
4076	Public Health Technician IV	17
4081	Epidemiologist I	15
4082	Epidemiologist II	17
4083	Epidemiologist III	19
4084	Epidemiologist IV	21
4085T	Wastewater Enforcement Coordinator I	11
4086T	Wastewater Enforcement Coordinator II	13
4087T	Wastewater Enforcement Coordinator III	15
4088T	Wastewater Enforcement Coordinator IV	17
4089T	Wastewater Enforcement Coordinator V	19
4090T	Wastewater Enforcement Coordinator VI	21
4108	Sanitation Inspector I	07
4109	Sanitation Inspector II	11
4111	Sanitarian I	11
4112	Sanitarian II	13
4113	Sanitarian III	15
4114	Sanitarian IV	17
4115	Sanitarian V	19
4116	Sanitarian VI	21
4121	Meat Inspector I	08
4122	Meat Inspector II	11
4123	Meat Inspector III	13
4124	Veterinarian I	17
4125	Veterinarian II	19
4127	Veterinarian III	21
4141	Inspector I	09
4142	Inspector II	11
4143	Inspector III	13
4158	Consultant Hospital Administration I	17
4159	Consultant Hospital Administration II	19
4160	Consultant Hospital Administration III	21
4174	Assistant Director, Nursing and Convalescent Homes	21
4191	Investigator, Medical Practices I	13
4192	Investigator, Medical Practices II	15
4195	Assistant Executive Director, Dental Board	21
4199	Investigator, Dental Board	16
4203	Laboratory Technician I	03
4204	Laboratory Technician II	05
4206	Laboratory Technician III	07
4207	Laboratory Technician IV	09
4208	Laboratory Technician V	11
4211	Rabies Laboratorian	12
4212	Infection Control Practitioner I	16
4213	Infection Control Practitioner II	18
4216	Medical Technologist I	12
4217	Medical Technologist II	15
4218	Medical Technologist III	18
4219	Microbiologist I	11
4220	Microbiologist II	13
4221	Microbiologist III	15
4222	Microbiologist IV	17
4223	Microbiologist V	19
4224	Microbiologist VI	21

# GENERAL PROVISIONS

## DETAILED LISTING OF ALL CLASSIFIED POSITIONS (Continued)

Class Number	Position Title	Salary Group
4227	Entomologist I	12
4228	Entomologist II	15
4229	Entomologist III	18
4257	Laboratory Consultant	19
4290	Radiological Technologist Assistant	03
4291	Radiological Technologist I	06
4292	Radiological Technologist II	08
4293	Radiological Technologist III	11
4298	Electroencephalograph Technician	09
4340	Orthopedic Equipment Assistant	06
4342	Orthopedic Equipment Technician I	08
4344	Orthopedic Equipment Technician II	10
4348	Therapist Technician I	02
4349	Therapist Technician II	04
4350	Therapist Technician III	05
4351	Therapist Technician IV	07
4352	Therapist Technician V	09
4354	Registered Therapist I	12
4355	Registered Therapist II	14
4356	Registered Therapist III	16
4357	Registered Therapist IV	18
4358	Registered Therapist V	19
4359	Registered Therapist Assistant I	09
4360	Registered Therapist Assistant II	11
4370	Medical Aide I	02
4372	Medical Aide II	04
4373	Medical Aide III	05
4376	Medical Aide IV	07
4377	Medical Technician I	09
4378	Medical Technician II	11
4379	Medical Technician III	13
4380T	Nurse Program Specialist I	17
4381T	Nurse Program Specialist II	19
4383	Advanced Nurse Practitioner	17
4384	Nurse I	12
4385	Nurse II	14
4386	Nurse III	16
4387	Nurse IV	18
4388	Nurse V	20
4389	Assistant Director, Departmental Nursing	21
4390	Director of Nursing Services, Department of Health	21
4391	MHMR Aide	03
4392	MHMR Services Assistant	05
4393	MHMR Specialist I	06
4394	MHMR Specialist II	07
4395	MHMR Supervisor	09
4411	Licensed Vocational Nurse I	08
4412	Licensed Vocational Nurse II	10
4413	Medical Assistant I	11
4414	Medical Assistant II	13
4423	Physician Assistant	19
4424	Pulmonary Physiology Technician	09
4426	Respiratory Care Practitioner I	07
4427	Respiratory Care Practitioner II	09

## GENERAL PROVISIONS

### DETAILED LISTING OF ALL CLASSIFIED POSITIONS (Continued)

Class Number	Position Title	Salary Group
4428	Respiratory Care Practitioner III	11
4429	Respiratory Care Practitioner IV	13
4465	Director, Student Life and Training	18
4466	Assistant Director, Student Life and Training	13
4467	Associate Director of Vocational Nurse Education	20
4468	Director of Vocational Nurse Education	21
4469	Nursing Consultant	20
4470	Educational Secretary/Deputy Director, Nurse Examiners	21
4481	Dental Assistant I	04
4482	Dental Assistant II	06
4483	Dental Assistant III	08
4484	Dental Lab Technician	12
4488	Dental Hygienist I	13
4489	Dental Hygienist II	16
4490	Pharmacist I	16
4491	Pharmacist II	18
4492	Pharmacist III	20
4497	Pharmacy Technician I	06
4498	Pharmacy Technician II	08
4499	Pharmacy Technician III	10
4501	Correctional Officer I	07
4502	Correctional Officer II	09
4503	Correctional Officer III	11
4530	Sergeant of Correctional Officers	13
4535	Lieutenant of Correctional Officers	14
4536	Captain of Correctional Officers	15
4537	Major of Correctional Officers	17
4550	Assistant Warden	19
4556	Warden I	19
4558	Warden II	21
4560	Counsel Substitute I	11
4561	Counsel Substitute II	13
4562	Counsel Substitute III	15
4608	Superintendent, Canning Plant	15
4618	Superintendent, Packing Plant	15
4634	Marketing Agent, Department of Corrections	17
4640	Sales Coordinator, Department of Corrections	14
4646	Industrial Supervisor I	11
4647	Industrial Supervisor II	12
4648	Industrial Supervisor III	13
4649	Industrial Supervisor IV	14
4650	Industrial Supervisor V	16
4651	Industrial Supervisor VI	18
4658	Superintendent of Gins	15
4667	Assistant Manager, Livestock and Poultry Production	17
4668	Manager, Livestock and Poultry Production	18
4671	Unit Agriculture Supervisor I	12
4672	Unit Agriculture Supervisor II	13
4673	Unit Agriculture Supervisor III	14
4679	Superintendent of Harvesting Equipment	15
4681	Assistant Manager, Field Crops	17
4682	Assistant Manager, Edible Crops	17
4683	Manager, Edible Crops	18
4684	Manager, Field Crops	18



## GENERAL PROVISIONS

### DETAILED LISTING OF ALL CLASSIFIED POSITIONS (Continued)

Class Number	Position Title	Salary Group
4685	Farm Manager I	15
4686	Farm Manager II	16
4688	Agricultural Planning Engineer, Department of Corrections	15
4702	Assistant Recreation Supervisor	09
4703	Recreations Supervisor	11
4731	Instructor, Vocational Education	10
4735	Education Consultant	14
4739	Correctional Medication Aide	09
4741	Alcoholism Counselor I	13
4742	Alcoholism Counselor II	14
4744	Supervising Alcoholism Counselor	14
4751	Commissary Manager	07
4752	Canteen Manager I	10
4753	Canteen Manager II	13
5001	Social Service Worker I	11
5002	Social Service Worker II	12
5003	Social Service Worker III	13
5004	Human Services Specialist	15
5006	Social Service Supervisor	15
5008	Social Service Training Specialist I	16
5009	Social Service Training Specialist II	17
5011	Social Service Case Analyst I	14
5012	Social Service Case Analyst II	16
5014	Social Service Program Consultant	17
5017	Adult Protective Services Specialist I	14
5018T	Adult Protective Services Specialist II	16
5019	Adult Protective Services Supervisor	16
5020	Institutional Licensing Representative	15
5023	Child Protective Services Specialist I	12
5024	Child Protective Services Specialist II	14
5025	Child Protective Services Specialist III	15
5026	Child Protective Services Specialist IV	16
5027	Child Protective Services Supervisor I	16
5028	Child Protective Services Supervisor II	17
5031	Social Service Program Director I	16
5032	Social Service Program Director II	17
5033	Social Service Program Director III	18
5035	Income Assistance Specialist I	11
5036	Income Assistance Specialist II	12
5037	Income Assistance Specialist III	13
5038	Income and Medical Assistance Specialist I	12
5039	Income and Medical Assistance Specialist II	13
5041	Social Service Administrator I	18
5042	Social Service Administrator II	19
5043	Social Service Administrator III	20
5044	Social Service Administrator IV	21
5055	Disability Examiner I	15
5057	Disability Examiner II	16
5058	Disability Examiner III	17
5059	Rehabilitation Technician I	11
5060	Rehabilitation Technician II	13
5061	Disability Determination Officer	16
5062	Vocational Rehabilitation Counselor I	15
5063	Vocational Rehabilitation Counselor II	16

## GENERAL PROVISIONS

### DETAILED LISTING OF ALL CLASSIFIED POSITIONS (Continued)

Class Number	Position Title	Salary Group
5066	Director, Vocational Rehabilitation	21
5068	Vocational Rehabilitation Counselor III	17
5069T	Disability Hearing Officer	18
5070	Rehabilitation Services Technician I	07
5071	Rehabilitation Services Technician II	09
5072	Rehabilitation Services Technician III	11
5073	Rehabilitation Services Technician IV	13
5078	Chaplaincy Services Assistant I	09
5079	Chaplaincy Services Assistant II	11
5080	Chaplaincy Services Assistant III	12
5081	Chaplain I	13
5082	Chaplain II	16
5083	Chaplain III	18
5105	Veterans Assistance Counselor I	14
5106	Veterans Assistance Counselor II	15
5107	Veterans Assistance Counselor III	16
5108	Veterans Assistance Supervisor I	17
5109	Veterans Assistance Supervisor II	18
5116	Regional Director, Texas Veterans Commission	20
5150	Parole Analyst	16
5151	Parole Officer I	14
5152	Parole Officer II	15
5153	Parole Supervisor	18
5155	Parole Officer III	16
5165	Parole Regional Supervisor	20
5181	Director, Division of Parole Supervision	21
5190	Youth Activities Supervisor I	07
5191	Youth Activities Supervisor II	09
5192	Youth Activities Supervisor III	11
5193	Youth Activities Supervisor IV	12
5201	Houseparent I	06
5203	Houseparent II	08
5204	Houseparent III	11
5205	Director of Recreation	17
5206	Workshop Program Director	18
5210T	Recreation Program Manager	13
5211	Caseworker I	09
5212	Caseworker II	12
5213	Caseworker III	15
5214	Chief of Case Work Services	20
5215	Medical Caseworker/Psychiatric Caseworker	18
5216	Caseworker Assistant	06
5218	Clinical Social Work Assistant	08
5220	Clinical Social Worker I	11
5221	Clinical Social Worker II	13
5222	Clinical Social Worker III	15
5223	Clinical Social Worker IV	17
5224	Clinical Social Worker V	18
5226	Chief of Clinical Social Work Services	20
5231	Assistant Volunteer Coordinator I	11
5232	Assistant Volunteer Coordinator II	13
5233	Coordinator for Volunteer Services I	15
5234	Coordinator for Volunteer Services II	17
5242	Assistant Chief of Volunteer Services	18

# GENERAL PROVISIONS

## DETAILED LISTING OF ALL CLASSIFIED POSITIONS (Continued)

Class Number	Position Title	Salary Group
		19
5243	Chief of Volunteer Services	05
5249	Clinical Psychologist Intern	16
5250	Psychologist	17
5251	Clinical Psychologist	12
5252	Psychological Assistant	15
5253	Associate Clinical Psychologist I	16
5254	Associate Clinical Psychologist II	17
5255	Associate Clinical Psychologist III	18
5256	Associate Clinical Psychologist IV	19
5257T	Associate Clinical Psychologist V	20
5258T	Associate Clinical Psychologist VI	09
5260T	Case Manager Assistant	11
5261T	Case Manager I	13
5262T	Case Manager II	15
5263T	Case Manager III	17
5264T	Case Manager Supervisor	06
5268	Research Technician I	12
5269	Research Technician II	10
5351	Rehabilitation Teacher I	12
5352	Rehabilitation Teacher II	14
5354	Rehabilitation Caseworker	07
5355T	Rehabilitation Assistant I, Commission for the Blind	09
5356T	Rehabilitation Assistant II, Commission for the Blind	15
5370T	Supervising Business Consultant I, Business Enterprises Program	17
5371T	Supervising Business Consultant I, Business Enterprises Program	17
5375T	Field Operations Specialist, Business Enterprises Program	18
5377	Supervisor, Field Operations, Commission for the Blind	16
5378	Coordinator of Rehabilitation	14
5401	Program Coordinator, Commission on Alcohol and Drug Abuse	02
5501	Community Service Aide I	04
5502	Community Service Aide II	06
5503	Community Service Aide III	07
5504	Social Services Technician I	09
5505	Social Services Technician II	05
5508	Office Support Clerk	21
5510	Regional Director	20
5511	Assistant Regional Director I	18
5512	Program Specialist I	19
5513	Program Specialist II	19
5514	Chief of Program Evaluation	18
5515	Vocational Rehabilitation Supervisor I	19
5516	Vocational Rehabilitation Supervisor II	14
5517T	Quality Control Analyst I	15
5518T	Quality Control Analyst II	16
5519T	Quality Control Analyst III	17
5521	Quality Control Field Manager	19
5522	Quality Control Section Director	17
5523	Aging Program Specialist I	18
5524	Aging Program Specialist II	20
5525	Aging Program Specialist III	20
5527T	Program Specialist III	21
5528T	Assistant Regional Director II	09
5530	Child Development Specialist I	11
5531	Child Development Specialist II	

## GENERAL PROVISIONS

### DETAILED LISTING OF ALL CLASSIFIED POSITIONS (Continued)

Class Number	Position Title	Salary Group
5532	Child Development Specialist III	13
5533	Child Development Specialist IV	15
5534	Child Development Specialist V	17
5540	Child Support Officer I	09
5541	Child Support Officer II	11
5542	Child Support Officer III	13
5543	Child Support Officer IV	15
5600	Contract Technician I	09
5602	Contract Technician II	11
5604	Contract Technician III	13
5606	Contract Specialist I	15
5607	Contract Specialist II	16
5610T	Interpreter I	09
5612T	Interpreter II	11
5614T	Interpreter III	14
5616T	Interpreter IV	16
5618T	Interpreter V	18
6000T	DPS Accident Code Clerk, Section 1	06
6001T	DPS Lead Accident Code Clerk, Section 1	07
6002T	DPS Accident Code Supervisor, Section 1	09
6005T	DPS Accident Code Clerk, Location Determination	07
6006T	DPS Lead Accident Code Clerk, Location Determination	08
6007T	DPS Accident Code Supervisor, Location Determination	11
6010T	DPS Accident Code Clerk, Section 5	06
6011T	DPS Lead Accident Code Clerk, Section 5	07
6012T	DPS Accident Code Supervisor, Section 5	09
6015T	DPS Accident Code Clerk, Special Reports	07
6016T	DPS Lead Accident Code Clerk, Special Reports	08
6017T	DPS Accident Code Supervisor, Special Reports	11
6070	Criminalist I	13
6071	Criminalist II	14
6072	Criminalist III	15
6073	Criminalist IV	16
6074	Criminalist V	17
6075	Criminalist VI	18
6076	Supervising Criminalist I	18
6077	Supervising Criminalist II	19
6080	Training Coordinator, Forensic Serology	18
6095	Communications Center Shift Leader	10
6098T	Communications Center Operator	07
6099	Communications Center Specialist	08
6100	Police Communications Operator I	11
6103	Police Communications Operator II	12
6104	Police Communications Operator III	13
6105	Supervisor, Police Communications Facility	15
6109	Regional Supervisor, Police Communications	17
6110	Headquarters Communication Center Supervisor	16
6111	Polygraph Examiner I	13
6112	Polygraph Examiner II	15
6113T	Latent Print Technician	12
6114T	Fingerprint Technician Trainee	10
6115T	Fingerprint Technician I	11
6116T	Fingerprint Technician II	12
6117T	Fingerprint Shift Supervisor	14

# GENERAL PROVISIONS

## DETAILED LISTING OF ALL CLASSIFIED POSITIONS (Continued)

Class Number	Position Title	Salary Group
		17
6118T	Fingerprint Section Supervisor	11
6130	Crime Laboratory Evidence Technician	20
6131	Assistant Manager, Alcohol Breath Testing	20
6132	Assistant Field Laboratory Manager	21
6133	Manager of Laboratories, Public Safety	14
6148	Composite Artist	10
6161	Evaluator I	12
6162	Evaluator II	15
6163	Evaluator III	20
6166	Manager, Driver Improvement and Control	20
6173	Manager, License Issuance and Driver Records	20
6176	Manager, Safety Responsibility	07
6220	Records Technician I, DPS	09
6221	Records Technician II, DPS	10
6222	Records Technician III, DPS	08
6224T	Drivers License Technician	10
6225	Drivers License Examiner	08
6301	Port of Entry Inspector I	10
6302	Port of Entry Inspector II	13
6308	Port of Entry Supervisor	21
6600	Assistant Rate Director, RRC	12
6601	Transportation Analyst I	17
6602	Transportation Analyst II	19
6603	Transportation Analyst III	18
6638	Assistant Director, Production and Proration	12
6675	Secretary, Railroad Commission	18
6705	Chief Investigator, Motor Vehicle Division	07
6706	Motor Vehicle Title Specialist	17
6707	Supervisor, Motor Vehicles Section	12
6715	Motor Vehicle Transfer Analyst	18
6721	Chief of Vehicle Registration	13
6745	Field Representative I	15
6746	Field Representative II	21
6805	Assistant Superintendent	12
6900	State Capitol Security Police Officer	14
6901	State Capitol Security Police Sergeant	16
6902	State Capitol Security Police Lieutenant	17
6905	State Capitol Security Police Captain	21
6910	Chief of Capitol Security Police	19
7005	Educational Program Director	20
7009	Director, Instructional Media Division	17
7010	Consultant, Instructional Services	14
7013	Instructional Media Technician	17
7015	Administrative Program Specialist I	18
7016	Administrative Program Specialist II	17
7017	Education Guidance Specialist I	18
7018	Education Guidance Specialist II	17
7019	Education Research Specialist I	18
7020	Education Research Specialist II	17
7021	Education Specialist I	18
7022	Education Specialist II	17
7023	Fiscal Program Specialist I	18
7024	Fiscal Program Specialist II	17
7025	Occupational Education Specialist I	17

## GENERAL PROVISIONS

### DETAILED LISTING OF ALL CLASSIFIED POSITIONS (Continued)

Class Number	Position Title	Salary Group
7026	Occupational Education Specialist II	18
7027	Special Education Specialist I	17
7028	Special Education Specialist II	18
7032	Archaeologist Assistant	11
7039	Program Officer I	17
7040	Program Officer II	19
7041	Program Officer III	21
7138	Director, Administrative Services	21
7304	Archeologist I	13
7306	Archeologist II	15
7308	Archeologist III	17
7310	State Archeologist	21
7315T	Historian I	11
7317T	Historian II	13
7319T	Historian III	15
7401	Librarian I	11
7402	Librarian II	13
7403	Librarian III	15
7404	Library Consultant/Administrator	16
7405	Archivist I	11
7407	Archivist II	13
7409	Archivist III	15
7413	Translator, Spanish	10
7415	Library Assistant I	05
7416	Library Assistant II	07
7417	Library Assistant III	09
7420	Law Librarian I	14
7421	Law Librarian II	16
7450	Medical Librarian	05
7451	Medical Records Technician	08
7452	Registered Records Administrator	14
7453	Senior Registered Records Administrator	17
7500	Fish and Wildlife Technician I	08
7501	Fish and Wildlife Technician II	10
7502	Fish and Wildlife Technician III	12
7528	Fish Hatchery Superintendent	13
7542	Biologist I, Conservation	12
7543	Biologist II, Conservation	14
7549	Biologist III, Conservation	16
7550	Field Manager for Fish and Wildlife	18
7610	Agricultural Supervisor	08
7617	Assistant Agriculture Inspector I	06
7618	Assistant Agriculture Inspector II	08
7619	Assistant Agriculture Inspector III	10
7620	Agriculture Inspector I	12
7621	Agriculture Inspector II	14
7622	Agriculture Inspector III	16
7623	Agriculture Inspector IV	18
7650	Animal Health Inspector I	06
7651	Animal Health Inspector II	08
7652	Animal Health Inspector III	10
7653	Animal Health Inspector IV	12
7654	Animal Health Inspector V	14
7655	Animal Health Area Supervisor	16

## GENERAL PROVISIONS

### DETAILED LISTING OF ALL CLASSIFIED POSITIONS (Continued)

Class Number	Position Title	Salary Group
7701	Seed Analyst I	08
7702	Seed Analyst II	10
7703	Seed Analyst III	12
7704	Seed Analyst IV	14
7705	Seed Analyst V	16
7730	Agronomist I	12
7731	Agronomist II	15
7732	Agronomist III	18
7733	Apprentice Marketing Specialist	10
7734	Marketing Specialist I	12
7735	Marketing Specialist II	14
7736	Marketing Specialist III	16
7737	Marketing Specialist IV	18
7741	Soil Conservationist	17
7742	Assistant Executive Director, Soil Conservation Board	21
7805	Operations and Maintenance Supervisor	18
7816	Park Ranger I	06
7817	Park Ranger II	08
7818	Park Ranger III	10
7821	Park Superintendent I	11
7823	Park Superintendent II	14
7825	Park Superintendent III	15
7826	Park Superintendent IV	16
7830	Interpretation Planner	15
7832	State Park Coordinator	18
8001	Building Custodian I	02
8009	Building Custodian II	03
8010	Building Custodian III	05
8011	Housekeeping Manager I	11
8012	Housekeeping Manager II	13
8013	Housekeeping Manager III	15
8019T	Housekeeping Supervisor I	08
8020T	Housekeeping Supervisor II	10
8031	Groundskeeper I	04
8032	Groundskeeper II	05
8033	Groundskeeper III	07
8034	Arborist	07
8035	Elevator Operator	02
8050	Security Officer I	08
8051	Security Officer II	10
8052	Security Officer III	12
8060	Security Worker I	02
8061	Security Worker II	03
8063	Security Worker III	05
8065	Security Worker IV	07
8102	Food Service Worker I	02
8103	Food Service Worker II	03
8104T	Food Service Worker III	05
8115	Cook I	02
8116	Cook II	03
8117	Head Cook I	04
8118	Head Cook II	06
8149	Assistant Food Service Manager	09
8150	Food Service Manager I	13

## GENERAL PROVISIONS

### DETAILED LISTING OF ALL CLASSIFIED POSITIONS (Continued)

Class Number	Position Title	Salary Group
		16
8151	Food Service Manager II	18
8153	Chief of Food Service Management	09
8158	Dietetic Technician	07
8159	Dietetic Assistant	11
8160	Dietitian I	13
8161	Dietitian II	15
8165	Chief Dietitian	02
8202	Sewing Room Worker	06
8203	Sewing Room Supervisor	05
8249	Washer	02
8251	Laundry Worker I	03
8252	Laundry Worker II	06
8255	Laundry Supervisor	09
8260	Laundry Manager I	11
8261	Laundry Manager II	14
8262	Laundry Manager III	16
8263	Manager, Laundry and Linen Services	05
8301	Barber I	06
8302	Barber II	05
8310	Cosmetologist I	06
8311	Cosmetologist II	03
9001	Helper, Maintenance and Construction	02
9003	Laborer	06
9004	Helper, Furniture Refinisher	08
9005	Furniture Refinisher I	09
9006	Furniture Refinisher II	18
9020	Elevator Maintenance Supervisor	07
9034	Air Conditioning and Boiler Operator I	09
9035	Air Conditioning and Boiler Operator II	11
9036	Air Conditioning and Boiler Operator III	14
9037	Air Conditioning and Boiler Operator IV	17
9039	Chief Air Conditioning and Boiler Operator	06
9041	Maintenance Mechanic I	08
9042	Maintenance Mechanic II	09
9043	Maintenance Mechanic III	11
9044	Maintenance Mechanic IV	13
9046	Maintenance Mechanic V	11
9047	Electrical and Air Conditioning Mechanic I	12
9048	Electrical and Air Conditioning Mechanic II	14
9049	Electrical and Air Conditioning Mechanic III	16
9050	Chief Electrical and Air Conditioning Mechanic	10
9051	Maintenance Supervisor I	12
9052	Maintenance Supervisor II	14
9053	Maintenance Supervisor III	15
9054	Maintenance Supervisor IV	08
9059	Fire and Safety Assistant	10
9060	Fire and Safety Inspector	14
9085	Plant Maintenance Manager I	16
9086	Plant Maintenance Manager II	18
9087	Plant Maintenance Manager III	20
9088	Plant Maintenance Manager IV	21
9089	Plant Maintenance Superintendent	18
9090	General Construction Inspector	20
9091	Chief, Construction and Inspection	



## GENERAL PROVISIONS

### DETAILED LISTING OF ALL CLASSIFIED POSITIONS (Continued)

Class Number	Position Title	Salary Group
9094	Building Manager	14
9096	Clerk of the Works I	15
9097	Clerk of the Works II	18
9099	Superintendent of Building and Equipment, Department of Corrections	15
9122	Locksmith	10
9201	Tunnel Guard I	07
9202	Tunnel Guard II	09
9204	Tunnel Machinery Operator	09
9206	Tunnel Supervisor	12
9208	Tunnel Superintendent	14
9221	Deckhand	09
9223	Oiler	09
9226	Ships Carpenter	09
9228	Maintenance Welder, Ferry	09
9230	Assistant Marine Maintenance Technician	10
9231	Chief Marine Maintenance Technician	13
9232	Pilot	10
9234	Master and Pilot	13
9236	Assistant Ferry Manager	14
9238	Ferry Manager	15
9239	Assistant Ferry Operations Manager	18
9240	Ferry Operations Manager	19
9241	Bridge Tender	07
9243	Chief Bridge Tender	10
9251	Marine Supervisor I	09
9252	Marine Supervisor II	12
9256	Marine Superintendent	14
9258	Senior Marine Superintendent	16
9278	Core Drilling Supervisor	14
9287	Maintenance Construction Chief I	09
9288	Maintenance Construction Chief II	12
9289	Maintenance Construction Chief III	14
9291	Maintenance Construction Supervisor I	14
9292	Maintenance Construction Supervisor II	15
9293	Maintenance Construction Supervisor III	16
9295	Maintenance Construction Superintendent I	16
9296	Maintenance Construction Superintendent II	17
9305	Roadway Maintenance Supervisor I	13
9306	Roadway Maintenance Supervisor II	15
9307	Roadway Maintenance Supervisor III	16
9308	Roadway Maintenance Supervisor IV	17
9309	Roadway Maintenance Supervisor V	18
9312	District Roadway Maintenance Superintendent I	17
9313	District Roadway Maintenance Superintendent II	18
9314	District Roadway Maintenance Superintendent III	19
9401	Truck Driver I	02
9402	Truck Driver II	05
9403	Truck Driver III, Heavy Vans	09
9411	Motor Vehicle Service Worker	02
9416	Motor Vehicle Mechanic I	08
9417	Motor Vehicle Mechanic II	10
9418	Motor Vehicle Mechanic III	12
9421	Motor Vehicle Repair, Supervisor	14
9510	Machinist I	10

## GENERAL PROVISIONS

### DETAILED LISTING OF ALL CLASSIFIED POSITIONS (Continued)

Class Number	Position Title	Salary Group
9512	Machinist II	12
9514	Machinist III	14
9516	Welder, Combination	08
9518	Welding Technician	16
9531	Sign Supervisor	14
9533	Sign Superintendent	15
9541	Shop Supervisor I	09
9542	Shop Supervisor II	12
9543	Shop Supervisor III	13
9544	Shop Supervisor IV	15
9548	Equipment and Services Superintendent	17
9602	Railroad Technician	13
9604	Railroad Engineer	13
9620	Aircraft Pilot I	15
9622	Aircraft Pilot II	17
9624	Aircraft Pilot III	19
9626	Chief Pilot	20
9630	Aircraft Mechanic Apprentice	10
9632	Aircraft Mechanic I	13
9634	Aircraft Mechanic II	15
9636	Line Chief	17
9638	Senior Aircraft Mechanic and Inspector	19
9640	Airframe and Power Plant Chief	19
9642	Chief of Aircraft Maintenance	21
9650	Avionics Apprentice	13
9652	Avionics Technician	16
9654	Avionics Manager	19
9708	Communications Procedures Specialist	15
9709	Ammunition Loader	09
9711	Radio Mechanic I	09
9712	Radio Mechanic II	11
9713	Radio Tower Technician I	11
9714	Radio Specialist	11
9715	Radio Tower Technician II	13
9716	Communications Electronic Technician I	12
9718	Communications Electronic Technician II	14
9722	Communications Superintendent I	12
9723	Communications Superintendent II	14
9724	Communications Superintendent III	17
9726	Assistant Communications Officer	12
9727	Communications Officer	14
9729	Instrument and Office Machine Repairer I	09
9732	Instrument and Office Machine Repairer II	11
9733	Instrument and Office Machine Repairer III	13
9735	Assistant Supervisor, Office Machine Repair	15
9736	Supervisor of Office Machine Repairs	16
9738	Service Manager, Office Machine Repairs	18
9740	Metrologist I	12
9742	Metrologist II	15
9743	Metrologist III	17
9751	Traffic Recorder Technician I	09
9752	Traffic Recorder Technician II	12
9755	Traffic Signal Repair Technician I	09
9756	Traffic Signal Repair Technician II	12

**GENERAL PROVISIONS**

**DETAILED LISTING OF ALL CLASSIFIED POSITIONS**  
(Continued)

Class Number	Position Title	Salary Group
9757	Traffic Signal Repair Technician III	14
9758T	Traffic Signal Repair Technician IV	15

### CLASSIFICATION SALARY SCHEDULE

(For the Year Beginning September 1, 1991)

Salary Group	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
02	11,292	11,628	11,976	12,336	12,684	13,056	13,428	13,824
03	11,976	12,336	12,684	13,056	13,428	13,824	14,256	14,676
04	12,684	13,056	13,428	13,824	14,256	14,676	15,120	15,576
05	13,428	13,824	14,256	14,676	15,120	15,576	16,080	16,620
06	14,256	14,676	15,120	15,576	16,080	16,620	17,148	17,688
07	15,120	15,576	16,080	16,620	17,148	17,688	18,228	18,840
08	16,080	16,620	17,148	17,688	18,228	18,840	19,464	20,124
09	17,148	17,688	18,228	18,840	19,464	20,124	20,772	21,468
10	18,228	18,840	19,464	20,124	20,772	21,468	22,188	22,932
11	19,464	20,124	20,772	21,468	22,188	22,932	23,700	24,492
12	20,772	21,468	22,188	22,932	23,700	24,492	25,296	26,160
13	22,188	22,932	23,700	24,492	25,296	26,160	27,012	27,924
14	23,700	24,492	25,296	26,160	27,012	27,924	28,836	29,832
15	25,296	26,160	27,012	27,924	28,836	29,832	30,828	31,848
16	27,012	27,924	28,836	29,832	30,828	31,848	32,928	34,032
17	28,836	29,832	30,828	31,848	32,928	34,032	35,160	36,324
18	31,848	32,928	34,032	35,160	36,324	37,524	38,796	40,092
19	34,032	35,160	36,324	37,524	38,796	40,092	41,460	42,816
20	36,324	37,524	38,796	40,092	41,460	42,816	44,268	45,768
21	38,796	40,092	41,460	42,816	44,268	45,768	47,280	48,888

### CLASSIFICATION SALARY SCHEDULE

(For the Year Beginning September 1, 1992)

Salary Group	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
02	11,292	11,628	11,976	12,336	12,684	13,056	13,428	13,824
03	11,976	12,336	12,684	13,056	13,428	13,824	14,256	14,676
04	12,684	13,056	13,428	13,824	14,256	14,676	15,120	15,576
05	13,428	13,824	14,256	14,676	15,120	15,576	16,080	16,620
06	14,256	14,676	15,120	15,576	16,080	16,620	17,148	17,688
07	15,120	15,576	16,080	16,620	17,148	17,688	18,228	18,840
08	16,080	16,620	17,148	17,688	18,228	18,840	19,464	20,124
09	17,148	17,688	18,228	18,840	19,464	20,124	20,772	21,468
10	18,228	18,840	19,464	20,124	20,772	21,468	22,188	22,932
11	19,464	20,124	20,772	21,468	22,188	22,932	23,700	24,492
12	20,772	21,468	22,188	22,932	23,700	24,492	25,296	26,160
13	22,188	22,932	23,700	24,492	25,296	26,160	27,012	27,924
14	23,700	24,492	25,296	26,160	27,012	27,924	28,836	29,832
15	25,296	26,160	27,012	27,924	28,836	29,832	30,828	31,848
16	27,012	27,924	28,836	29,832	30,828	31,848	32,928	34,032
17	28,836	29,832	30,828	31,848	32,928	34,032	35,160	36,324
18	31,848	32,928	34,032	35,160	36,324	37,524	38,796	40,092
19	34,032	35,160	36,324	37,524	38,796	40,092	41,460	42,816
20	36,324	37,524	38,796	40,092	41,460	42,816	44,268	45,768
21	38,796	40,092	41,460	42,816	44,268	45,768	47,280	48,888

## SALARY PROVISIONS

1. **SALARY RATES FOR CLASSIFIED POSITIONS.** For each fiscal year of the biennium beginning September 1, 1991, within the limitation of funds available for salaries of classified positions, annual salary rates for classified positions shall be in accordance with the above Classification Salary Schedules. Except as specifically provided by other provisions of this Act, salaries of state employees who in August 1991 are in classified positions shall be converted to the salary schedule set forth in this Act as follows:
  - a. For the fiscal year beginning September 1, 1991 the salary of an employee, who in August 1991 is paid at a numbered salary step in salary groups 2 through 21, shall be converted to the salary schedule for fiscal year 1992 in this Act at the same numbered salary step in the same salary group in which paid in August 1991.
  - b. For the fiscal year beginning September 1, 1992 the salary of an employee, who in August 1992 is paid at a numbered salary step in salary groups 2 through 21, shall be converted to the salary schedule for fiscal year 1993 in this Act at the same numbered salary step in the same salary group in which paid in August 1992.
2. **SALARY WHEN AN EMPLOYEE CHANGES SALARY STATUS.** An employee who moves, within an agency or transfers from one agency to another, from an exempt or line-item position to a classified position, shall receive an annual salary rate in the proper salary group not to exceed the salary step equal to the current salary or the next higher salary step rate.
3. **ADJUSTMENTS TO SALARY RATES FOR REALLOCATED OR RECLASSIFIED POSITIONS.**
  - a. Reallocation to a higher salary group -- an employee whose classified position is reallocated by this Act to a higher salary group shall receive the step 1 rate in the higher salary group or the rate which he would have received had his classified position not been reallocated, whichever rate is higher; provided, however, an employee whose classified position is reallocated by this Act to a higher salary group may have his salary adjusted not more than two steps higher than otherwise provided by this section. Such additional adjustment shall be for the purpose of maintaining desirable salary relationships among employees in the affected positions. However, in no case shall the employee advance to a step number in the new salary group higher than the step number held prior to the reallocation.
  - b. Reallocation to a lower salary group -- an employee whose classified position is reallocated by this Act to a lower salary group shall receive the annual rate which he would have received had the position not been reallocated, not to exceed the step 8 rate of the lower salary group.
  - c. Reclassification of positions on September 1 -- all state agencies subject to the Classification Act shall review individual job assignments on September 1 each fiscal year and on a regular basis thereafter to insure that each position is properly classified.

If it is determined that, in compliance with the Classification Act, and not contrary to the specific classification and position limitations in this Act, a position should be reclassified to a classification: (a) in a higher salary group the salary rate of the employee shall be determined in the same manner as prescribed above for reallocation to a higher salary group, or (b) in a lower salary group the salary rate of the employee shall be determined in the same manner as prescribed above for reallocation to a lower salary group. Nothing in this subsection shall have the effect of increasing or decreasing the specific classified positions authorized each agency by the Act.

Each agency shall report to the Classification Officer the approach used to comply with this provision and in the event the approach taken is determined by the Classification Officer to be inadequate, he shall undertake spot audits to determine if positions are properly classified.

4. **MERIT SALARY INCREASES.** It is expressly provided that agency administrators may grant merit salary increases to classified employees whose job performance and productivity is consistently above that normally expected or required. Such merit increases shall be subject to the following restrictions:

- a. The source of funds shall be the items of appropriation in this Act for "Merit Salary Increases," or specific items of appropriation for classified salaries and wages, or appropriation items for particular programs or purposes which include salaries of classified positions.
- b. For each fiscal year of the biennium beginning September 1, 1991, the maximum monthly rate of expenditure for merit salary increases shall not exceed: (a) an amount equal to 3.4% of the total amount specifically appropriated in such fiscal year in appropriation items for salaries of classified positions divided by twelve, (b) where this Act appropriates in each fiscal year a sum or estimated amount in an appropriation item for a particular program or purpose, the maximum monthly expenditure for such merit salary increases shall not during the first year of the biennium exceed 3.4% of the average monthly payroll of the salaries of employees in classified positions for the six-month period March 1, 1991 through August 31, 1991; nor during the second year of the biennium exceed 3.4% of such average monthly payroll for the six-month period March 1, 1992 through August 31, 1992, or (c) the amount specifically appropriated for "Merit Salary Increases" divided by twelve. It is the intent of the Legislature that the maximum rates of expenditures for merit salary increases be computed separately for each year of the biennium and that such merit salary increases as may be awarded in the first fiscal year of the biennium shall not count against the maximum monthly rate of expenditure for such increases in the second fiscal year of the biennium.
- c. The Comptroller shall prescribe such accounting and reporting procedures as are necessary to insure that expenditures for merit salary increases shall not exceed the amounts authorized herein for that purpose.
- d. All departments and agencies shall file a report with the Governor and the Legislative Budget Board at the close of each fiscal year detailing the utilization of merit funds.
- e. It is the intent of the Legislature that merit salary increases be applied throughout the classified salary groupings authorized an agency.
- f. For an employee to be eligible for a merit salary increase, the following additional criteria must be met: (a) the employee must have been employed by the agency in a classified position for at least six continuous months prior to the award, (b) at least six (6) months must have elapsed since the employee's last promotion, demotion, lump sum incentive payment, or merit increase, and (c) agency criteria for granting merit salary increases must include specific criteria and documentation to substantiate the granting of more than a one step merit increase.

5. **ACHIEVEMENT BONUS PROGRAM.** On or before December 1, 1991 the Governor and the Legislative Budget Board shall jointly issue instructions to state agencies and institutions of higher education establishing the achievement bonus program. The instructions shall require that the chief executive of an agency or institution of higher education certify that each employee proposed for an achievement bonus has demonstrated a consistent and high level of performance during the period covered. The instructions authorized by this provision may not require the submission of a form or other materials any longer than one page. After submitting the required information to the Governor and the Legislative Budget Board, a chief executive may award an achievement bonus to any employee of the agency or institution. A chief executive or a person appointed to a full-time paid position by the Governor may receive an achievement bonus provided that the governing body or the Governor, as applicable, follow the requirements established. The chief executive of an agency or institution shall provide notification to the appropriate substantive committees of the House and Senate.

6. **PROMOTIONS.** A promotion means a change in duty assignment of an employee within an agency from a position in one classification to a position in another classification in a higher salary group requiring higher qualifications such as a greater skill or longer experience, and

involving a higher level of responsibility. When an employee is promoted to a position in a higher salary group, he will receive at least a rate one increment higher than his salary rate before promotion or the minimum rate of the new salary range, whichever is higher, and may, at the discretion of the agency administrator, receive an annual rate up to and including the rate designated by the same step number which designated his former rate.

7. **DEMOTIONS.** Demotion means a change in duty assignment of an employee from a position in one classification to a position in another classification in a lower salary group. An employee who is demoted shall have his salary reduced at least to a rate one increment below the rate he received before demotion.
8. **SALARY REDUCTION FOR DISCIPLINARY REASONS.** If a classified employee's performance so warrants, the executive head may reduce his salary for disciplinary reasons to a step rate in the designated salary group no lower than the minimum step rate. The employee's pay may be restored to any step rate in the range up to and including his prior rate as such employee's performance improves.
9. **REDUCTIONS IN FORCE.** Notwithstanding agency rules, regulations, personnel handbooks or policies, agencies undergoing statutorily mandated reorganizations may institute reductions in force occurring as a direct result of the reorganizations or reductions.
10. **SALARY LIMITED TO MAXIMUM STEP RATE.** No salary adjustment authorized by this section shall result in an employee receiving an annual salary rate in excess of the maximum rate of the salary group to which his classified position is allocated.
11. **TEMPORARY ASSIGNMENT.** To facilitate the work of state agencies, any classified employee may, during emergencies or other special circumstances, be temporarily assigned to other duties for periods not to exceed three months and during that time may receive the appropriate rate of pay.
12. **EMOLUMENTS.** For the purpose of conforming to the Position Classification Plan and prescribed salary ranges, boards, commissions or other executive state agencies shall set a fair value on any emoluments granted. Each institution or agency granting emoluments shall maintain with the State Comptroller a current record showing name, job title, and amount of each employee's emoluments. Unless otherwise specifically provided in this Act, the designated value of emoluments shall be deducted from the gross salary rate in determining the net monetary remuneration to which the employee is entitled.

Without any additional cost to the state, agencies employing chaplains are authorized to designate part of the salary of chaplains as "Housing Allowance."

13. **RECLASSIFICATIONS.**

- a. As provided in the Position Classification Act of 1961, a position may be reclassified to another class of work in the Classification Plan as a result of classification audits or of program reorganizations by executive heads, or to a new classification properly established by the Classification Officer. Reclassification shall not be interpreted to mean a change in the employee's duty assignment, but only shall mean the proper definition of duties and classification of the position based upon duties actually performed by the employee; hence, a position shall be reclassified for the sole purpose of complying with the requirements of the Classification Act.
  - b. If classification audits determine that positions are classified higher than is warranted by actual duty assignment, the employees occupying such positions may be subject to salary reduction under such policies and procedures as the Legislative Audit Committee may prescribe.
14. **PART-TIME EMPLOYEES.** Regular full-time positions paid out of funds appropriated may also be filled by part-time employees except for line item exempt salaries not designated as part-time. In computing the salaries of these employees, the rates of pay shall be proportional to the rates authorized for full-time classified employment. It is further provided that part-time employees as described in this subsection shall be subject to all of the provisions of this section.

15. **HOURLY EMPLOYEES.** It is the intent of the Legislature that hourly employees shall receive per hour rate increases proportionate to those provided in this Act for full-time salaried classified employees.
16. **SALARY SUPPLEMENTATION.**
- a. No employee holding a position classified in this Act under the authority of the Position Classification Act of 1961 or a line item or exempt position for which the salary is specifically set in this Act may receive a salary supplement from any source unless a specific grant of authority is provided in the agency's appropriation pattern in this Act, or as provided by law.
  - b. None of the funds appropriated to departments and agencies covered in Articles I through IV of this Act shall be expended for payment of salary to any person whose classified or individual line item exempt salary is being supplemented from other than appropriated funds until a report showing the amount and sources of salary being paid from other sources has been reported to the Secretary of State and Comptroller of Public Accounts.
17. **EXEMPTION OF POSITIONS BY THE GOVERNOR.** Appropriations may be used to pay the salaries of positions exempted from the Classification Plan by the Governor under authority granted in Section 2. of the Position Classification Act of 1961 with the limitation that appropriations may be used only to pay the salaries of bona fide new positions that are established to carry out duties in relation to programs, functions, etc., that were not anticipated and therefore, not authorized for funding under this Act. It is expressly provided that this authorization does not extend to the use of appropriations to adjust the salary of any line item or exempt position retitled solely for the purpose of adjusting salaries that have already been established by the Legislature in this Act and any position exempted from the Position Classification Plan by the Governor shall contain a certification that the exemption is for a bona fide new position. No payment of funds for a position exempted by the Governor shall be made by the Comptroller of Public Accounts until formal notification of the action of the Governor to exempt the position has been filed with the State Classification Officer and the Legislative Budget Board. If a position is exempted by the Governor in the first year of this biennium, the position established may be continued and the NTE rate established for the position may be adjusted the second year of the biennium at no higher than the same rate as adjustments set forth in this Act for classified positions.
18. **DESIGNATION OF EXEMPT POSITIONS AND CLASSIFIED SALARY RATES.**
- a. Notwithstanding other provisions in this Act relating to the Position Classification Plan or exempt positions, an agency head may designate the title, number and compensation rate of exempt positions to be utilized in accordance with standards developed by the Governor with the consent of the Legislative Budget Board and promulgated not later than November 15, 1991. This provision does not apply to a position listed in a "Schedule of Exempt Positions" in this Act, which shall receive compensation at a rate not to exceed the level shown. The authority granted in this provision relating to exempt positions and salaries is contingent upon the filing of written notice with the Governor's Office of Budget and Planning and the Legislative Budget Board at least 60 days prior to the effective date of any such action and is subject to the disapproval of the Governor and the Legislative Budget Board within that period.
- Exempt positions and rates authorized for fiscal year 1991, as may be adjusted for any across-the-board salary increase, are continued in effect until February 1, 1992 or until actions under this provision become effective, whichever is sooner.
- b. Agencies covered by Section 1 of this Article shall make employments in accordance with the provisions of the Position Classification Plan. It is specifically provided that agencies may utilize classified position titles as appropriate and agency head may determine the step within the salary pay group for personnel employed under the Position Classification Plan.
19. **PERSONNEL AND PAYROLL REPORTING PROCEDURES.** To facilitate pre-audit of payrolls and classification audits to assure conformity with the provisions of this Act, and to provide the Legislative Audit Committee with current information on employment and wage rate practices in the state government, the Comptroller and the State Auditor shall jointly



promulgate and issue uniform procedures for personnel and payroll reporting for all state agencies.

## **OTHER EMPLOYMENT POLICIES AND PROVISIONS**

### **Sec. 2. METHOD OF SALARY PAYMENTS.**

1. All annual salaries appropriated by this Act are for full-time employment unless specifically designated as part-time or other and shall be paid in twelve (12) equal monthly installments, except as otherwise provided in Article II of this Act. Except for patrolmen and other law enforcement positions in the Department of Public Safety which shall be paid only at the annual rates stipulated in the particular language accompanying the appropriations therefor, this paragraph shall not be construed so as to prevent the head of any other agency of the state from paying less than the maximum salary rates specified in this Act for line item positions, or the employment of part-time employees to fill regular positions provided for in this Act, so long as the salary rates for such part-time employees are proportional to the regular rates for full-time employment. The equivalent monthly rate of pay for annual employees maintaining a 40-hour work week and covered under Article 5165a, Vernon's Civil Statutes, as amended, shall be determined by dividing the annual salary by twelve (12). The hourly rate for a given month shall be determined by dividing the monthly rate by the number of working hours in that month. This basis applies to partial pay and other special situations. When a full-time or regular part-time employee is on leave without pay, compensation for that particular pay period shall be reduced at the equivalent hourly rate of pay times the number of work hours lost by leave without pay.

Should the Legislature provide funding for a statewide payroll system authorized by Article 4348e, Vernon's Civil Statutes, and the Uniform Statewide Accounting System Committee determines it is in the best interest of the state to alter the state's hourly rate calculation, then the following language shall prevail:

The equivalent monthly rate of pay for annual employees maintaining a 40-hour work week and covered under Article 5165a, Vernon's Civil Statutes, as amended, shall be determined by dividing the annual salary by twelve (12). The hourly rate shall be determined by dividing the annual rate by the number two thousand eighty (2,080). This basis applies to partial pay and other special situations. When a full-time or regular part-time employee is on leave without pay, compensation for that particular pay period shall be reduced at the equivalent hourly rate of pay times the number of work hours lost by leave without pay.

Facilities of the Texas Department of Mental Health and Mental Retardation in Article II and the agencies of higher education, and the schools for the blind and deaf in Article III of this Act which make contracts for less than a twelve-month period may pay salaries in equal monthly payments for the period contracted for.

2. Agencies having a "Schedule of Exempt Positions" following their appropriation may expend funds to employ those positions designated as exempt at rates not to exceed the rates shown. Each title authorizes one position unless the title is followed by a number indicating the number of positions authorized or by (UL) which authorizes an unlimited number of positions for such position title.

The number of authorized positions in a title shown in the "Schedule of Exempt Positions" may be exceeded only under the following conditions: (1) for the purpose of hiring a replacement in a key management position as certified by the agency head, (2) the current incumbent of the position must have formally resigned or otherwise announced irrevocable plans to vacate the position, (3) the position number limitation may be exceeded for no more than thirty (30) days per year per position, (4) reporting such exceptions will be made in such manner as prescribed for payroll reporting procedures.

3. No deduction shall be made from the salary or wages of any state employee who is called for jury service; nor shall such employee be required to account to the state for any fee or compensation received for jury service.

4. None of the moneys appropriated under this Act shall be used for the payment of salaries to any employee who accepts witness fees in contravention of the following provisions:

Any state official or employee called to appear in his official capacity in any judicial action or legislative investigation shall neither accept nor receive any witness fees for such a governmental appearance;

But if the appearance as a witness is not in an official capacity but is to testify from personal knowledge concerning matters related to the inquiry, then such employee or official shall be entitled to any customary witness fees;

And any state employee or official appearing as an expert witness shall be entitled to accept compensation for his appearance only when such appearance shall be made on his own time;

But this prohibition against accepting compensation shall not extend to any mileage or per diem allowance tendered to the state employee or official for expenses incurred while serving as a witness, unless the state official or employee has also made a claim for such expenses against the state, and in no instance shall there be double reimbursement for expenses.

## 5. OVERTIME.

- a. **Employees Subject to FLSA.** An employee who is subject to the overtime provisions of the Fair Labor Standards Act of 1938, 29 U.S.C. Secs. 201 et seq., (FLSA) is entitled to compensation for overtime as provided by that Act and this subdivision.

An employee who is required to work hours in excess of 40 hours in a workweek is entitled to compensation for the excess hours either by:

- (1) the agency allowing (or requiring) the employee to take compensatory time off at the rate of 1-1/2 hours off for each hour of overtime; or
- (2) at the discretion of the employing agency, in cases in which granting compensatory time off is impractical, the employee receiving pay for the overtime at the rate equal to 1-1/2 times the employee's regular rate of pay.

Any paid leave or holidays taken are not counted as hours worked in determining overtime hours under the preceding paragraph.

Each employee may accumulate overtime credit of not more than 240 hours, except that an employee engaged in a public safety activity, an emergency response activity, or a seasonal activity may accumulate not more than 480 hours. Employees must be paid for overtime worked in excess of the limits on accumulation, at the rate equal to 1-1/2 times the employee's regular rate of pay.

In situations in which the employee has not worked more than 40 hours in a workweek but the total of hours worked and hours of paid leave or paid holidays exceeds 40 hours, the employee shall be allowed equivalent compensatory time off for the excess hours. In situations in which the employee has worked more than 40 hours in a workweek and the total of hours worked and hours of paid leave or paid holidays exceeds 40 hours after subtracting FLSA overtime hours worked, the employee shall be allowed equivalent compensatory time off for such excess hours. The compensatory time must be taken during the 12-month period following the end of that workweek. Compensatory time under this paragraph may not be carried forward past the end of the 12-month period and an employee may not be paid for the unused time. As an exception to the provisions in this paragraph, however, employees of institutions of higher education or employees engaged in a public safety activity, including but not restricted to highway construction and maintenance or an emergency response activity, may be paid for compensatory time hours on a straight-time basis when the taking of compensatory time off would be disruptive to normal teaching, research, and other critical functions.

Exceptions to the workweek overtime calculation for hospital, fire protection, and law enforcement activities (including security personnel in the correctional institutions) shall be made in accordance with the FLSA.

- b. **Employees Not Subject to FLSA.** An employee who is not subject to the overtime provisions of the FLSA may be allowed compensatory time off for hours in excess of 40 hours in a workweek in which the combination of hours worked, paid leave, and holidays exceeds a total of 40 hours.

An employee who is exempt as an executive, professional, or administrative employee under 29 U.S.C. Sec. 213 (FLSA), may be allowed compensatory time off during the 12-month period following the end of the workweek in which the overtime was accrued, at a rate not to exceed equivalent time.

Subject to the exceptions provided below, an employee who is exempt as an executive, professional, or administrative employee under 29 U.S.C. Sec. 213(a)(1) (FLSA) shall receive full salary for any week in which work is performed without regard to the days and number of hours worked. This is also subject to the general rule that an employee need not be paid for any workweek in which the employee performs no work.

1. Deductions may be made when the employee absences himself/herself from work for a full day or more for personal reasons, other than sickness or accident. However deductions may not be made for absences caused by jury duty, attendance as a witness at a judicial action, or temporary military leave.
2. Deductions may also be made for absences of a day or more occasioned by sickness or disability (including workers' compensation accidents) if the deduction is made after exhaustion of paid sick leave or workers' compensation benefits.
3. Deductions may also be made for penalties imposed for infractions of significant safety rules relating to prevention of serious danger to the workplace or other employees.

Provided that all applicable paid leave has been exhausted, no deductions shall be made for absences of less than one day for personal reasons or due to sickness. If deductions have been inadvertently made in contradiction to Department of Labor regulations, reimbursement will be made retroactively to the affected employees.

An employee who is not subject to the FLSA because of 29 U.S.C. Sec. 203(e)(2)(C), as a staff member, appointee, or immediate adviser of an elective officeholder, may be allowed compensatory time off under the terms and conditions determined by the officeholder.

Employees covered by this subdivision may not be paid for any unused compensatory time.

- c. No employee, whether or not subject to FLSA, shall accrue state compensatory time during any week unless the combination of paid leave and hours worked exceeds 40 hours.
- d. **Article VI Employees.** Subdivisions (a), (b) and (c) of this subsection do not apply to an employee compensated from funds appropriated under Article VI of this Act. Consistent with the requirements of the FLSA, overtime pay and compensatory time off for employees of the House or Senate shall be determined by the presiding officer of the respective houses, and for all other employees shall be determined by the administrator of the agency involved or the employing officeholder.

**Sec. 3. SALARY PAYMENT, WITHHOLDINGS, DEDUCTIONS, AND MATCHING CONTRIBUTIONS.** The disbursement of moneys appropriated in this Act for salaries and wages shall be subject to the provisions of Public Law No. 68, Seventy-eighth Congress, known as the Current Tax Payment Act of 1943, and any amendments thereto. The officers and employees of agencies for which appropriations are made in this Act also are authorized to make retirement deductions in accordance with the Teachers Retirement or Employees Retirement or Judiciary Retirement Acts on payroll forms prescribed by the State Comptroller, and the Comptroller is directed to issue warrants accordingly. The Comptroller shall also prescribe rules and procedures for agencies to follow in making adjustments to payrolls for periods following the period in which an inaccurate payment, deduction or other error occurred.

In each instance in which an operating fund or account is created and named by statute, the responsible officials of the state are authorized to transfer into such operating fund or account sufficient moneys from treasury funds or local and federal funds to pay proportionally the costs of matching state employees' retirement contributions and the state's share of Old Age and Survivors Insurance.

#### Sec. 4. PER DIEM OF BOARD OR COMMISSION MEMBERS.

1. As authorized by Section 2 of Article 6813f, Texas Revised Civil Statutes Annotated, the per diem of state board and commission members shall consist of (1) compensatory per diem at \$30 per day; (2) actual expenses for meals and lodging not to exceed \$75 per day; and (3) transportation.
2. If a law enacted after Article 6813f authorizes per diem for members of a particular state board or commission, but does not specify the amount of the per diem, then the amount of the per diem shall be as listed in the preceding paragraph.
3. Agencies having a "Schedule of Exempt Positions and Per Diem of Board (or Commission) Members" following their appropriation may expend appropriations for board or commission member compensatory per diem in an amount not to exceed amounts shown in such schedule for each respective fiscal year.
4. No full time employee paid from funds appropriated by this Act shall be paid both a salary and compensatory per diem for concurrent service as a state employee and as a board or commission member.

Sec. 5. POLITICAL AID AND LEGISLATIVE INFLUENCE PROHIBITED. None of the moneys appropriated by Articles I, II, III, and IV of this Act, regardless of their source or character, shall be used for influencing the outcome of any election, or the passage or defeat of any legislative measure. This prohibition shall not be construed to prevent any official or employee of the state from furnishing to any Member of the Legislature or committee upon request, or to any other state official or employee or to any citizen information in the hands of the employee or official not considered under law to be confidential information. Any action taken against an employee or official for supplying such information shall subject the person initiating the action to immediate dismissal from state employment.

No funds under the control of any state agency or institution, including but not limited to state appropriated funds, may be used directly or indirectly to hire employees or in any other way fund or support candidates for the legislative, executive, or judicial branches of government of the State of Texas or the government of the United States.

None of the funds appropriated in this Act shall be expended in payment of the salary for full-time employment of any state employee who is also the paid lobbyist of any individual, firm, association or corporation. None of the funds appropriated in this Act shall be expended in payment of the partial salary of a part-time employee who is required to register as a lobbyist by virtue of the employee's activities for compensation by or on behalf of industry, a profession or association related to operation of the agency or institution for which the person is employed. A part-time employee may serve as a lobbyist on behalf of industry, a profession or association so long as such entity is not related to the agency with which he or she is employed.

No employee of any state agency shall use any state-owned automobile except on official business of the state, and such employees are expressly prohibited from using such automobile in connection with any political campaign or any personal or recreational activity.

None of the moneys appropriated by this Act shall be paid to any official or employee who violates any of the provisions of this section.

The head or heads of each agency of the state shall furnish each employee of such agency with a copy of the five (5) paragraphs immediately preceding this one, and shall take a receipt therefor from each employee. The preceding sentence shall not be construed to mean that new receipts are to be obtained each year from continuing employees who have previously receipted for copies of identical provisions prohibiting political aid and legislative influence. The receipts shall be kept accessible for public inspection.

It is provided, however, that nothing in this section shall be construed as prohibiting the payment of reasonable dues to an organization that is designed to represent student interests in the state legislature or federal congress from that portion of mandatory student service fee collections that is allocated to the student government organization at an institution of higher education. Nothing herein shall be construed to permit such mandatory student service fees to be used to influence the outcome of any election.

**Sec. 6. PUBLICITY OF INDIVIDUALS RESTRICTED.** None of the moneys appropriated under this Act shall be used by any agency of the state government for the purpose of publicizing or directing attention to any individual official or employee of any agency of the state government.

It is also provided that none of the moneys appropriated under this Act shall be used by any agency of the state government for maintaining any publicity office or department, or for the employment of any person who has the title or the duties of a public relations agent, or press agent, or for paying any public relations firm or agent.

The policy and restrictions set out in this section shall not be interpreted to prevent the head of any agency of the state, when he deems it necessary or desirable in the public interest, to issue through any of such agency's officials or employees any statement or information respecting the work, legal responsibilities, or activities of such agency. Such statement shall be issued, or such information imparted, in the name of the agency of the state and shall have attached thereto the name of the official or employee authorized to issue the same.

It is also provided that any agency of higher education may continue to maintain and operate a news and information service for the benefit of the public which has been specifically authorized and approved by the governing board of such agency of higher education.

**Sec. 7. EMPLOYEE WORKING HOURS AND HOLIDAYS.** It is further provided that moneys appropriated for salaries and wages in this Act shall be expended only in accordance with the following conditions and limitations, and pursuant to Article 5165a, Vernon's Civil Statutes, as amended.

1. State offices shall remain open during the noon hours each working day with at least one person on duty to accept calls, receive visitors, or transact business.
2. Agencies may stagger the work day of their personnel. All agencies shall be open between the hours of 8:00 A.M. and 5:00 P.M. and shall maintain the eight-hour day and 40-hour week as provided in Article 5165a, Vernon's Civil Statutes, as amended.
3. Except as provided elsewhere in this Article, holidays for state employees including hourly wage workers for each year covered by this Act shall be those specified in Article 4591.2, Vernon's Civil Statutes, as amended. Except as provided elsewhere in this Article, holidays for employees of institutions and agencies of higher education are as provided in Article 4591.3, Vernon's Civil Statutes, as amended.

For institutions and agencies of higher education, a regular employee is defined as one who is employed to work at least 20 hours per week for a period of at least four and one-half months, excluding students employed in positions which require student status as a condition for employment. Only regular employees of institutions of higher education shall be eligible for paid holidays.

Each state agency and institution and agencies of higher education will, during the biennium, have on hand enough personnel to carry on the activities of each institution or agency on a state holiday as defined in the statute so that the public business can be carried on during that period. However, this does not apply to a state holiday that falls on a Saturday or Sunday, the Friday immediately following the fourth Thursday in November, the 24th day of December, or the 26th day of December.

Those employees who are working during a national holiday or a state holiday period will be allowed compensatory time off during the twelve-month period following the date of the holiday worked. The supervisor in charge may require the employee to give reasonable notice in advance of taking compensatory time off but may not require that the employee specify the reason for which the compensatory time is to be taken. As an exception to the

provisions in this paragraph, however, employees of institutions of higher education may be paid for compensatory time hours on a straight-time basis when the taking of compensatory time off would be disruptive to normal teaching, research, and other critical functions.

Agencies who have work schedules other than provided in Article 5165a, Section 2, will insure that employees working these schedules observe the equivalent number of holidays each year as employees working normal office hours.

A state employee is entitled to observe Rosh Hashanah, Yom Kippur, and Good Friday in lieu of any holiday or holidays on which the employee's agency or institution is required by this provision to be open and staffed to conduct the public business.

It is specifically provided, however, that the benefit provisions of this section apply to the employees of the House of Representatives and Senate only at the discretion of the presiding officer or the administration committee of each house.

4. Other provisions of this Act notwithstanding, state agencies shall not observe as a holiday days on which an election is held throughout the state or the fourth Friday in November unless the fourth Friday in November immediately follows the fourth Thursday in November. However, employees shall be allowed sufficient time off without deduction from pay or leave time accrued to vote.
5. Each state agency and institution and agencies of higher education shall adjust the work schedule of any employee who is a member of the National Guard or any Reserve Component of the Armed Forces so that two of the employee's non-work days per month coincide with two days of military duty to be performed by the employee, it being the intent of the Legislature to facilitate participation in military duties by state employees.

#### Sec. 8. EMPLOYEES VACATIONS AND LEAVES.

1. Other than faculty with appointments of less than twelve months at institutions of higher education and other than instructional employees with contracts for periods of less than twelve months at the Texas School for the Blind and the Texas School for the Deaf, employees of the state shall, without deduction in salary be entitled to a vacation in each fiscal year. Part-time employees will accrue vacation leave on a proportionate basis and the maximum carryover will also be proportionate. Such entitlement shall be earned in accordance with the following schedule:

Employees With Total State Employment Of:	Hours Accrued Per Month for Full-time Employment	Maximum Hours to Carry Forward From One Fiscal Year to Next Fiscal Year for a Full-time Employee
0 but less than 2 years	7	168
2 but less than 5 years	8	232
5 but less than 10 years	9	256
10 but less than 15 years	10	280
15 but less than 20 years	12	328
20 and over years	14	376

As a one-time exception to the maximum hours which may be carrier forward from one fiscal year to the next, an employee may carry forward his/her August 31, 1991 vacation balance to September 1, 1991, provided however, that none of the hours so transferred above the applicable maximum amount may be compensable upon termination of employment for any reason.

An employee will earn vacation entitlement beginning on the first day of employment with the state and terminating on the last day of duty. Vacation entitlement is accrued at the applicable rate cited above. Credit for one month's accrual will be given for each month or fraction of a month of employment with the state and will be posted to each employee's leave record on the first day of employment with the state and on the first of each succeeding month of employment thereafter. Vacation with pay may not be granted until the employee

has had continuous employment with the state for six (6) months, although credit will be accrued during that period.

Credit for the higher rate of accrual as shown on the chart above shall be given on the first calendar day of the month if the employee's anniversary date falls on the first calendar day of the month; otherwise, the increase will occur on the first calendar day of the following month.

The net balance of unused accumulated leave not to exceed the maximum cited above may be carried forward for any employee from fiscal year 1991 to fiscal year 1992 and from fiscal year 1992 to fiscal year 1993.

All hours of unused accumulated vacation leave which are lapsed at the end of a fiscal year by operation of this subsection may be credited to the employee's sick leave balance as of the first day of the next fiscal year.

In computing vacation time taken, time during which any employee is excused from work because of holidays shall not be charged against the employee's vacation.

A state employee who resigns, is dismissed, or separated from state employment shall be entitled to be paid for all vacation time duly accrued at the time of separation from state employment, provided the employee has had continuous employment with the state for six (6) months.

2. Employees of the state shall, without deduction in salary, be entitled to sick leave subject to the following conditions:

An employee will earn sick leave entitlement beginning on the first day of employment with the state and terminating on the last day of duty. Credit for one month's accrual will be given for each month or fraction of a month of employment with the State and will be posted to each employee's leave record on the first day of employment with the State and on the first day of each succeeding month of employment thereafter.

Sick leave entitlement shall be earned at the rate of eight (8) hours for each month or fraction of a month employment, and shall accumulate with the unused amount of such leave carried forward each month. Sick leave accrual shall terminate on the last day of duty.

Sick leave with pay may be taken when sickness, injury, or pregnancy and confinement prevent the employee's performance of duty or when the employee is needed to care and assist a member of his immediate family who is actually ill. For purposes relating to regular sick leave, immediate family is defined as those individuals related by kinship, adoption, marriage or foster children who are so certified by the Department of Human Services who are living in the same household. An employee's use of sick leave for family members not residing in that employee's household is strictly limited to the time necessary to provide care and assistance to a child or parent of the employee that needs such care and assistance as a direct result of a documented medical condition. An employee who must be absent from duty because of illness shall notify his supervisor or cause him to be notified of that fact at the earliest practicable time.

To be eligible for accumulated sick leave with pay during a continuous period of more than three (3) working days, an employee absent due to illness shall send to the administrative head of his employing agency a doctor's certificate showing the cause or nature of the illness, or some other written statement of the facts concerning the illness which is acceptable to such administrative head.

Upon return to duty after sick leave the employee concerned shall, without delay, complete the prescribed application for sick leave and submit the same through proper channels to the appropriate approving authority for his consideration.

Exceptions to the amount of sick leave an employee may take may be authorized by the administrative head or heads of any agency of the state provided such exceptions are authorized on an individual basis after a review of the merits of such particular case. A statement of any such authorized exceptions or the reasons for them shall be attached to the

state agency's duplicate payroll voucher for the payroll period affected by such authorized exceptions. Agencies are required to have a written statement filed with the State Auditor covering the policies and procedures to be used for the extension of leave in this manner and shall make this statement available to all employees. Faculty members at institutions of higher education must submit prescribed leave forms for all sick leave even though no classes were missed if the absence occurred during the normal workday for regular employees.

A terminating employee may, with the agreement of the employing agency, be allowed to remain on the payroll to utilize vacation leave in lieu of being paid in a lump sum, providing that such employee will not be eligible to use paid sick leave prior to final separation from employment.

3. The administrative head of an agency shall grant an emergency leave to an employee because of a death in the employee's family. The death of the employee's spouse, or the employee's or spouse's parents, brothers, sisters, grandparents, grandchildren and children shall constitute adequate need for emergency leave. The administrative head of the agency may make a determination on other reasons for emergency leaves and shall grant an emergency leave, when in his determination, the employee shows good cause.

For institutions and agencies of higher education, a regular employee is defined as one who is employed to work at least 20 hours per week for a period of at least four and one-half months, excluding students employed in positions which require student status as a condition for employment. Only regular employees of institutions and agencies of higher education shall be eligible for paid vacation and leave as provided herein.

4. A leave of absence with full pay shall be provided any state employee who is called to active duty with the National Guard by the Governor of Texas because of an emergency in accordance with Art. 6252-4b, V.A.C.S.

Employees shall be entitled to leave of absence from their respective duties without loss of time or efficiency rating or vacation time or salary on all days during which they shall be engaged in authorized training or duty ordered or authorized by proper authority, for not to exceed fifteen (15) days in any one federal fiscal year as provided in Texas Government Code, annotated, Article 431.005.

An employee called to active duty during a national emergency by a reserve branch of the United States Armed Forces shall have a leave of absence. The employee shall not lose the ability to accrue state service credit while on active duty but shall not accrue vacation or sick leave. However, the employee shall retain any accrued vacation or sick leave and shall be credited with such balances upon return.

State employees who are volunteer firemen shall also be granted a leave of absence with full pay to attend training schools conducted by state agencies provided such leave does not exceed five (5) working days in any one fiscal year. The leave of absence, authorized by this subsection, shall in no way be charged against the employee's vacation or sick leave privileges provided by this Act.

A state employee, who is a foster parent to a child under the conservatorship of the Department of Human Services, is entitled to a leave of absence with full pay for the purpose of attending staffing meetings held by the Department of Human Services regarding the child under the foster care of the employee, or to attend the Admission, Review and Dismissal (ARD) meeting held by a school district regarding the child under the foster care of the employee.

5. A state employee who transfers directly from one State agency to another, shall be given credit by the receiving agency for the unused balance of this accumulated vacation and sick leave, provided that his employment with the state is uninterrupted.
6. Funds appropriated in this Act may be used to pay the estate of an employee when the employee dies while employed by the State of Texas for: (1) all of the employee's accumulated vacation leave and (2) one-half of the employee's accumulated sick leave, or for



336 hours of sick leave, whichever is less, provided that requirement and limitations in Article 6252-8b, V.A.C.S. are satisfied.

7. In addition to maintaining an official personnel file on each employee containing an application for employment and other records normally placed in a personnel file, the administrative head or heads of each agency of the state shall require time and attendance records, a record of the vacation and sick leave accrual and absences of each employee, and the reasons therefor whether from sickness, vacation, other paid leave, or leave of absence without pay. Such records shall be available for public inspection in keeping with the provisions of the Open Record Act.
8. The State Auditor shall provide a uniform interpretation of the provisions herein contained on employee vacations and leaves, and shall report to the Governor and the Legislature any exceptions practiced by the various entities of the state government.
9. It is specifically provided, however, that the benefit provisions of this section apply to employees of the House of Representatives and Senate only at the discretion of the presiding officer of each House.
10. An employee separated from employment with the state under a formal reduction-in-force shall have his sick leave balance restored if reemployed by the state within twelve months of termination. An employee separated for other reasons shall also have his sick leave balance restored if reemployed by the state within twelve months of termination, provided there has been a break in service of at least one month since termination.
11. Agencies may grant employees leave without pay or leave of absence without pay subject to the following provisions:
  - a. Except for disciplinary and workers compensation situations all accumulated paid leave entitlements must be exhausted before granting such leaves, with the additional provision that sick leave must be exhausted only in those cases where the employee is eligible to take sick leave, as provided in Section 8(2) above. Such leaves will be limited in duration to twelve (12) months.
  - b. Subject to fiscal constraints, approval of such leaves constitutes a guarantee of employment for a specified period of time.
  - c. The administrative head of an agency may grant exceptions to these limitations for such reasons as interagency agreements or educational purposes.
  - d. Except in the case of an employee returning to state employment from military leave without pay, any full calendar month (i.e., from the first day of a month through the last day of a month, inclusive) in which an employee is on leave without pay, shall not be counted in the calculation of total state service for purposes of longevity pay or vacation leave entitlements. No employee shall accrue vacation or sick leave for such month. Further, any such full calendar month of leave without pay shall not constitute a break in continuity of employment but shall not be included in the calculation of the six continuous months of employment set forth in the Act under both the merit salary provisions, Section 1(4)(f)(a) and under Employees Vacations And Leaves, Section 8(1) last paragraph.
12. A state employee who is blind is entitled to a leave of absence with full pay for the purpose of attending a training program to acquaint the employee with a seeing-eye dog to be used by the employee. The leave of absence provided by this subsection may not exceed 10 working days in a fiscal year. The leave of absence provided by this subsection is in addition to other leave to which an employee is entitled, and an employee continues to accrue vacation and sick leave while on leave as provided by this subsection. For purposes of this subsection, "blind" has the meaning assigned by Section 91.002(2), Human Resources Code.
13. Employees are entitled to a parental leave of absence, not to exceed six weeks, for the birth of a natural child or the adoption of a child under three years of age. This period begins with the date of birth or the first day the adoptive child is formally placed in the home. Employees may elect to use any combination of available vacation leave, compensatory time

off, or leave without pay for this period. It is expressly provided that the use of sick leave is strictly limited to those situations clearly falling within the definition of sick leave contained in subsection 2 of this section.

**Sec. 9. DUAL EMPLOYMENT WITH THE STATE.** Employees who are legally employed in two positions within Texas State government are subject to the following provisions and are to be informed of these provisions prior to being placed in such dual employment status: (1) completely separate leave records will be maintained for each employment; (2) time worked in one position may not be used as additional tenure credit for purposes of longevity or annual leave accrual for other positions; (3) upon termination of one employment, the leave balances accrued under that employment may not be transferred to the remaining employment; (4) the state contribution towards the employee's portion of social security tax liability will be subject to the overall limit specified elsewhere in this Act. The Comptroller shall prescribe such uniform accounting and reporting procedures as necessary to ensure that expenditures for this purpose do not exceed this limit; (5) the total state contribution towards the employee's group insurance will be limited to no more than the amount specified elsewhere in this Act for full-time active employees; (6) the employee will be entitled to receive longevity payment for no more than one employment; (7) overtime compensation will accrue to each employment totally independent of the other except that when an employee works in a dual employment capacity where the employee is subject to the overtime provisions of the Fair Labor Standards Act of 1938, 29 U.S.C. Secs. 201 et seq., (FLSA) in either employment, the employing agency or agencies must consider all combined time worked in excess of 40 hours per week as overtime and compensate the employee in accordance with the FLSA provisions applicable to joint employment relationships. In cases where the dual employment is with two separate agencies, the two agencies shall coordinate in order to determine which agency shall have the responsibility to assure that the employee is properly compensated in accordance with such provisions.

Where dual employment cases involve two legislative agencies and both employments are less than full-time, provision numbers (1) above, except for accrual of leave, and (3) above, will not apply and the legislative employee may utilize paid leave from leave balances in both employments. Where combined employments total at least forty hours per week, the employee will be treated as a full-time employee for longevity purposes. Upon termination of one legislative employment, unused leave balances accrued under that employment shall be transferred to the remaining legislative employment.

All state employees are to be informed of their obligation and responsibility to inform both initial and second employers of their intent to accept an additional employment with the state.

Institutions of higher education with employees which have multiple component assignments may enter into necessary agreements designating the principal employer to maintain personnel and leave records in compliance with provisions of this section.

**Sec. 10. USE OF ALCOHOLIC BEVERAGES.** None of the moneys appropriated under this Act shall be used for the payment of salaries to any employee who uses alcoholic beverages while on active duty. None of the funds appropriated under this Act for travel expenses may be expended for alcoholic beverages.

**Sec. 11. LIMITATIONS ON USE OF APPROPRIATED FUNDS.** Funds appropriated in Articles I, II, and IV of this Act, or for the Central Education Agency in Article III of this Act, shall be expended only for items set out in the Comptroller's Manual of Accounts, Expenditure Classification insofar that agencies expending said appropriated funds shall have existing statutory authority for such expenditures and that such expenditures are not limited or prohibited elsewhere in this Act.

It is also provided that any agency of the state specified in this Act is authorized to pay the premiums for bonding employees. Such bonds shall be of either individual position or blanket position type, as provided by House Bill No. 18, Fifty-sixth Legislature, Regular Session.

As compensation in addition to that otherwise provided by this Act, departments and agencies covered by this Act in Articles I through VI, are authorized to purchase and present to their respective employees or officers at periodic intervals under such rules and regulations as have been or may be adopted by the respective agencies named hereinabove, service awards, safety awards and other similar awards for professional achievement or other outstanding service. Such awards

will be limited to lapel pins, tie clasps, plaques, loving cups, engraved certificates or other awards of a similar nature and shall be purchased through the State Purchasing and General Services Commission, the cost of which shall not be in excess of seventy-five dollars (\$75) per employee.

## **TRAVEL REGULATIONS**

### **Sec. 12. DEFINITIONS.**

The following words and terms, when used in Sections 12-18 of this Article, shall have the following meanings:

1. Commercial lodging establishment - a motel, hotel, inn, apartment, or similar entity that furnishes lodging to the general public for pay.
2. Commercial transportation company - an entity that offers transportation of people or goods to the general public for pay.
3. Designated headquarters - the area within the city limits of the incorporated area in which a state employee's place of employment is located. If an employee's place of employment is located within an unincorporated area, then the area within a five mile radius of the employee's place of employment is his designated headquarters. If a city, town, or unincorporated area is completely surrounded by the city or town in which an employee's place of employment is located, then the employee's designated headquarters includes the surrounded area.
4. Duty point - the location, other than an employee's place of employment, to which a state employee travels in order to conduct official state business.
5. Head of agency - this term includes elected state officials, excluding members of the Legislature; appointed state officials, including officials whose appointment is still subject to confirmation by the Senate; first assistants, chief deputies, and chief clerks who are specifically authorized by law to act for their superiors; directors of legislative interim committees or boards; heads of state institutions of higher education; heads of state hospitals and special schools; and, for each state agency that is governed by a part-time board or commission, the person who has the day-to-day responsibility for managing the agency's operations.
6. Incidental expenses - those necessary and reasonable expenses incurred by a state employee while traveling on official state business. The term includes applicable taxes except for taxes on meals. The term does not include expenses for meals, lodging, or transportation; expenses of a personal nature; expenses that would be incurred by the employee regardless of whether he were traveling on official state business; and, tips and gratuities.
7. Key officials - this term encompasses heads of agencies and persons holding exempt positions as indicated in this Act or by action of the Governor in accordance with the Position Classification Act of 1961.
8. Lease - a long-term contract giving the lessee the exclusive possession and use of property or equipment although the lessor retains ownership throughout the duration of the contract. A contract is "long-term" only to the extent that its duration is on at least a month-to-month basis.
9. Place of employment - the office or location at which a state employee routinely conducts official state business.
10. Rented or public conveyance - a motor vehicle, train, or aircraft that a state employee either rents or pays a fare to use on a short-term basis while traveling on official state business.
11. State agency - a unit of state government that uses funds appropriated in this Act to pay for the transportation, meals, lodging, and other travel expenses of its state employees.

12. State employee - a person employed by a state agency. This term includes key officials except to the extent that specific provisions in this Article indicate otherwise.

Sec. 13. GENERAL TRAVEL PROVISIONS.

1. The amounts appropriated in this Act to each state agency for the payment of transportation, meals, lodging, and incidental expenses shall be the maximum amounts to be expended by those agencies. None of the moneys appropriated by this Act may be expended for those expenses unless the travel and the resulting requests for payment or reimbursement comply with the conditions and limitations in this Article.
2. Heads of agencies shall conserve the funds appropriated in this Act by maximizing economy and efficiency when planning the travel of state employees under their authority. In this connection, heads of agencies are responsible for ensuring that the expenses of transportation, meals, lodging, and incidental items are the lowest possible considering all relevant circumstances.
3. A head of agency may specify a reimbursement or payment rate that is less than the maximum rate specified in this article for transportation, meal, lodging, or incidental expenses. However, a lower rate applies only to travel occurring after a head of agency has notified his state employees in writing about the lower rate. A state agency is solely responsible for enforcing its lower reimbursement or payment rates.
4. Necessary and reasonable expenses for transportation, meals, lodging, and incidental expenses may be paid or reimbursed from the funds appropriated in this Act only when the purposes of the travel clearly involve official state business, are consistent with the legal responsibilities of the state agency represented, and, for the travel outside the State of Texas, the travel is approved in advance in accordance with the policy of the employing state agency.

None of the funds appropriated in this Act shall be used to pay or reimburse expenses for transportation, meals, lodging, and incidental expenses unless the travel voucher submitted to the Comptroller identifies persons contacted, places visited, or otherwise describes the nature of the official state business performed.

5. A state employee may claim extra travel time for the purpose of calculating reimbursement for meals, lodging, rental cars, parking, and other reimbursable expenses in order to take advantage of lower airfares if: (a) the cost of the additional expenses plus the lower airfare is less than or equal to the average coach airfare between the employee's designated headquarters and duty point, (b) the rental car was rented during the period of time when the employee conducted official state business, and (c) it is in the employing state agency's interest to allow the employee to be absent from headquarters for an additional period of time.
6. Requests for advance written approval for travel outside of the United States and its possessions shall be submitted to the Governor as provided in TEX. REV. CIV. STAT. ANN. Art. 6823a (Vernon).
7. State employees from one state agency who provide services to another state agency may be reimbursed for their transportation, meals, lodging, and incidental expenses from the funds of the agency being served.
8. A traveling state employee may be reimbursed for his incidental expenses in addition to his expenses for meals, lodging, and transportation. The Comptroller shall promulgate specific rules for the effective and efficient administration of this sub-section.
9. When this Article authorizes state agencies to directly pay commercial lodging establishments or commercial transportation companies, agencies may instead directly pay credit card issuers or travel agencies for the lodging or transportation. The same documentation that would be required for a direct payment to a commercial lodging establishment or commercial transportation company is required for a direct payment to a credit card issuer or travel agency.

10. When a state agency requires a state employee on personal leave to return to his designated headquarters from another location, the agency may reimburse the employee for the transportation, meal, lodging, and incidental expenses he incurs while traveling to headquarters. In addition, the agency may reimburse the employee for the transportation, meal, lodging, and incidental expenses he incurs while traveling back to the location at which the employee was staying while on personal leave.
11. A state agency may pay or reimburse a state employee for a cancellation charge if the charge is incurred for a reason related to official state business.
12. The Comptroller shall establish rules and procedures for the effective and efficient administration of the travel regulations in this Article.

#### Sec. 14. TRANSPORTATION EXPENSES.

1. State employees' use of personally owned or leased motor vehicles:
  - a. Mileage reimbursement rate. The rate of reimbursement for state employees' use of their personally owned or leased motor vehicles shall be 27.5 cents per mile. Once each fiscal year, the Comptroller shall adjust this rate to equal the maximum fixed mileage allowance specified in the revenue rulings issued by the Internal Revenue Service in accordance with Section 1.274-5(f) of the federal income tax regulations. The adjusted mileage reimbursement rate shall be effective for travel commencing on September 1 and shall be based upon the IRS' maximum fixed mileage allowance as of the previous August 1. The adjusted mileage reimbursement rate may be neither less than 21 cents per mile nor more than 27.5 cents per mile. Except for the cost of airport parking or other parking fees incurred while employees are away from their places of employment, no additional expenses incidental to the operation of such motor vehicles shall be reimbursed.
  - b. Computing distances. The reimbursement authorized in this subsection for travel within the State of Texas shall be based upon the shortest route between points. For the purpose of computing the shortest route, farm-to-market roads shall be included.
  - c. Travel between a residence and the airport. State employees traveling in a personally owned or leased motor vehicle between their residence and the nearest airport may be reimbursed for mileage at the rate specified in Section 14(1)(a) of this Article subject to the following provisions:
    - (1) If the travel occurs during working hours, the reimbursement may not exceed the reimbursement that would be due had the employee traveled between a place of employment and the airport.
    - (2) A state employee may be reimbursed for the mileage incurred by another person while transporting the employee between his residence and the nearest airport during working or non-working hours so long as the employee demonstrates that the reimbursement would be less than the cost of parking a personally owned or leased motor vehicle at the airport.
  - d. Travel between a residence and a duty point. State employees who travel in a personally owned or leased motor vehicle between their residence and their duty point may be reimbursed for mileage at the rate specified in Section 14(1)(a) of this Article subject to the following provisions:
    - (1) If the travel occurs during working hours, the reimbursement may not exceed the mileage that would have been paid had the employee traveled from his place of employment to his duty point.
    - (2) If the travel occurs before working hours on a working day, the reimbursement may not exceed the reimbursement that would be due had the employee traveled from a place of employment to a duty point. The preceding limitation does not apply if the employee is required to travel because of an unforeseen emergency that is related to official state business.

- e. Travel between a residence and a place of employment. A state employee may not be reimbursed for his mileage when he travels in a personally owned or leased motor vehicle between his residence and his place of employment unless (1) the travel is necessitated by extraordinary circumstances, and (2) the travel occurs during non-working hours.
- f. Mileage rate for travel outside of the State of Texas. State employees traveling alone may be reimbursed at the standard mileage rate for the use of their personally owned or leased motor vehicles while traveling outside the State of Texas in accordance with this paragraph. The reimbursement may not exceed either of the following: (a) the amount the employees would have received had they flown the average coach airfare below first class plus the expenses necessary to complete such flight or (b) the reimbursement calculated at the standard mileage rate for the actual miles traveled. Mileage, calculated at the standard mileage rate, between an employee's place of employment and the airport plus other necessary and reasonable expenses that would have been incurred at the airport had the employee flown, including parking fees, shall be considered as expenses necessary to complete a flight for the purpose of this paragraph.
- g. Travel by a group of state employees outside of the State of Texas. When two or more state employees travel together outside the State of Texas in a motor vehicle that is owned or leased by one of those employees, the reimbursement for the use of that vehicle shall be based upon the total miles between the motor vehicle owner's place of employment and the employees' destination at the standard mileage rate authorized elsewhere in this Article. However, this reimbursement shall not exceed the total cost had each employee flown the average coach airfare below first class plus the expenses necessary to complete the flight as specified in Section 14(1)(f) of this Article.
- h. Travel to points outside of the State of Texas that are not served by commercial airlines. State employees traveling either alone or with other state employees to duty points outside of the State of Texas that are not directly served by commercial airlines shall be reimbursed for their mileage. This reimbursement cannot exceed the sum of the following: (a) average coach airfare below first class to the nearest city served by air to the destination, (b) mileage between the nearest city served by air and the destination, and (c) the expenses necessary to complete the flight as specified in Section 14(1)(f) of this Article.

2. Transportation in personally owned or leased aircraft:

- a. The rate of reimbursement to key officials, members of boards and commissions, and members of the Legislature for travel in their personally owned or leased aircraft within and without the boundaries of the State of Texas shall be forty cents (40¢) per highway mile when traveling in single-engine aircraft, fifty-five cents (55¢) per highway mile when traveling in twin-engine aircraft, and one dollar (\$1.00) per highway mile when traveling in turbine-powered aircraft.

When additional key officials, members of boards and commissions, or members of the Legislature are conveyed on trips within or without the boundaries of the State of Texas in privately owned or leased aircraft, they each shall receive as a mileage reimbursement an amount equal to that which would have been paid had they traveled by average coach airfare below first class. The Comptroller shall develop procedures whereby these multiple reimbursements can be aggregated into a single payment and paid either to the individual owning or leasing the aircraft or to the vendor providing a leased aircraft; however, the total reimbursement shall not exceed the actual cost of the trip.

Key officials, members of boards and commissions, and members of the Legislature may lease aircraft from a proprietorship, partnership, or corporation in which they have an interest. Reimbursement shall be at the rates established for travel by personally owned or leased aircraft.

- b. The rate of reimbursement for state employees when they travel in their personally owned or leased aircraft within and without the boundaries of the State of Texas shall be forty cents (40¢) per highway mile when traveling in single-engine aircraft and fifty-five cents (55¢) per highway mile when traveling in twin-engine aircraft.

3. Travel by rented or public conveyance:

- a. When a state employee travels by rented or public conveyance, the actual cost of transportation is payable from funds appropriated in this Act subject to the following limitations.
  - (1) The cost of commercial air transportation between an employee's designated headquarters and his duty point must be equal to the lowest rate available. First class airfare may be paid only if it is the only available airfare.
  - (2) The cost of transportation by limousine may be paid only if it is the lowest cost transportation considering all relevant circumstances.
- b. State agencies may pay the expenses associated with state employees traveling by rented or public conveyance in either of two ways at the option of each head of agency.
  - (1) When state employees pay for authorized travel by rented or public conveyance with their personal funds, they shall be reimbursed for that travel in accordance with this Article. Receipts for such transportation, excluding receipts for bus, taxi, or limousine fares, shall be submitted to the Comptroller as attachments to the employee's travel voucher.
  - (2) A head of agency may request a commercial transportation company to furnish transportation to designated state employees of such agency. The cost of the transportation services shall be billed monthly to the agency. The Comptroller may issue a warrant payable to a commercial transportation company only upon the submission by a state agency of a voucher showing the purpose of travel and the necessary approval by the agency. An official receipt from the commercial transportation company showing the details of the transportation must be attached to the voucher.

To facilitate auditing of billings from commercial transportation companies, such companies shall list on their billings the point of origin and point of destination of each trip and shall also show the taxes charged. In addition, on each purchase voucher submitted to the Comptroller for processing, state agencies shall specify in detail the official state business conducted on each trip.

- 4. State agencies may directly pay commercial transportation companies prior to the travel of their employees if the companies required the payments to be made in advance in order to obtain lower rates. Cancellation charges are payable if they are incurred because of a business-related reason. The Comptroller shall promulgate rules for the effective and efficient implementation of this paragraph.
- 5. Return from personal leave: Employees on personal leave at a location outside of their designated headquarters who are required by their heads of agencies to return to their designated headquarters may be reimbursed for the cost of their transportation to headquarters as provided in this section.

Sec. 15. EXPENSES FOR MEALS AND LODGING.

1. General provisions:

- a. Heads of agencies shall conserve funds by authorizing less than the maximum reimbursements for meals or lodging, or both, when conditions warrant. However, reductions in the amount of reimbursements for meals or lodging, or both, may be authorized only if the affected state employees are notified of those reductions before they incur any expenses. Employees whose living costs are unusually low when traveling, such as those camping out, shall not be reimbursed for their meals and lodging at the maximum rates.
- b. When a state employee stays at a commercial lodging establishment, the head of his employing state agency may request the lodging establishment to directly bill the agency for the cost of the lodging. The Comptroller may issue a warrant payable to the

commercial lodging establishment only upon the submission of a voucher showing the name and designated headquarters of the employee, the room rate for a single occupancy, and the lodging charges on a daily basis. An official receipt from the commercial establishment must be attached to the voucher.

- c. Each state employee who travels with one or more additional employees in a motor vehicle that is owned or leased by one of those employees shall be reimbursed for the meals and lodging incurred during the trip subject to the limitations contained in this Section.
  - d. No reimbursements for meals and lodging may be paid to state employees when they travel within the confines of their designated headquarters or when they are away from their designated headquarters for fewer than six consecutive hours.
  - e. State employees, board or commission members, must attach the actual receipts for lodging expenses to their travel vouchers when requesting reimbursement of those expenses. A head of agency other than a member of a board or commission is not required to attach lodging receipts.
  - f. Travel to foreign countries, except for Canada and Mexico, must be approved by the Governor in advance of the travel in accordance with the Travel Regulations Act of 1959. A copy of the Governor's approval must be attached to each travel voucher.
  - g. A state agency may reimburse a state employee for a state, county, or local hotel occupancy tax or any similar tax imposed by a law of this state or another state. If a state agency directly pays a commercial lodging establishment instead of reimbursing an employee, then the agency may directly pay the tax to the commercial lodging establishment.
  - h. A state agency may reimburse a state employee for apartment rental expenses. The Comptroller shall adopt rules to facilitate a state agency's conservation of state funds by renting an apartment in lieu of using another type of commercial lodging establishment.
2. Travel within the State of Texas:
- a. State employees who travel within the State of Texas shall be reimbursed for the actual cost of lodging and meals. However, the reimbursements may not exceed \$55.00 per day per location for lodging and \$25.00 per day for meals.
  - b. At the discretion of each head of agency, a state employee whose duties require him to travel outside his designated headquarters without an overnight stay away from his headquarters may be reimbursed for the actual cost of his meals not to exceed \$25.00 per day.
3. Travel outside the State of Texas but within the continental United States:
- a. State employees who travel outside the State of Texas but within the continental United States shall be reimbursed for their actual expenses for lodging and meals. However, these reimbursements may not exceed the locality-based rates specified in the Federal Travel Regulations unless the Comptroller determines, in advance of travel, that local conditions necessitate a change in the lodging rate for a particular location. If an employee travels to a location where a locality-based allowance has not been set in the Federal Travel Regulations, the Comptroller shall establish a rate for that location. This rate cannot exceed the lowest locality-based allowance for that state unless the Comptroller determines, in advance of travel, that local conditions necessitate a higher lodging rate.
  - b. Reimbursements for meals to employees whose travel does not require an overnight stay away from their designated headquarters may not exceed \$26.00 per day.
4. Travel outside the continental United States: State employees may receive reimbursements of their actual expenses for meals and lodging when traveling outside the continental United States.



**Sec. 16. TRAVEL BY EMPLOYEES OF INSTITUTIONS OF HIGHER EDUCATION.**

1. For the purpose of this section, official state business includes, but is not limited to, the formal presentation of original research by a state employee before a regional, state, national, or international learned society.
2. The governing board of each institution of higher education may delegate to its president, chief executive, vice presidents, deans, or fiscal officers the authority to approve travel and the resulting payments and reimbursements. However, such delegations of authority shall specify the kind of travel that may be approved and the termination date of the delegated authority. The delegation of authority shall be entered in the official minutes of each governing board, and a copy of those minutes shall be filed with the Comptroller.

**Sec. 17. SPECIAL PROVISIONS AND EXCEPTIONS.**

1. **Applicability of this Section:** The provisions of this Section apply only to the extent that they are inconsistent with or supplementary to the provisions of Sections 13, 16 and 18 of this Article.
2. **General exception:** Judicial officers, heads of agencies, the Executive Director of the Legislative Council, and the Secretary of the Senate shall be reimbursed for their actual expenses for meals and lodging either inside or outside the State of Texas. Expenses concerning personally owned or leased motor vehicles and other transportation expenses shall be reimbursed as provided under other Sections of this Article.
3. **Representation of the Governor:** Employees of the Governor's Office, other state employees, and key officials who are designated by the Governor to represent him at governmental meetings or conferences held outside the State of Texas shall be reimbursed for their actual expenses for meals, lodging, and incidentals. These reimbursements may be paid out of the appropriations for the state agencies at which the employees or key officials are employed.
4. **Travel by legislators:**
  - a. **General provisions:**
    - (1) When traveling inside or outside the State of Texas a legislator, at the discretion of each House of the legislature, is reimbursed an amount equal to either the maximum per diem rate in the federal travel regulations for the location at which the expenses are incurred or the actual amount of meals, lodging and incidental expenses incurred. This provision also applies to the meals, lodging, and incidental expenses legislators incur while serving on boards, councils, committees, or commissions.
    - (2) If expenses are incurred in a location for which the federal travel regulations have not specifically established a maximum per diem rate, the amount is equal to the lowest maximum per diem rate for the state, territory, possession, or country in which the expenses are incurred.
    - (3) When traveling inside or outside the State of Texas, a legislator shall be reimbursed for the legislator's use of personally owned or leased motor vehicles and for the legislator's use of rented or public conveyances on the same basis as is provided in this article for state employees. The rate of reimbursement for a legislator's use of a personally owned or leased aircraft is as specified elsewhere in this article. The preceding rates of reimbursement apply even though a legislator's trip does not include travel to or from the City of Austin.
  - b. **Exceptions for travel during regular and called sessions of the Legislature:** Article III, Section 24 of the Texas Constitution requires that a legislator be reimbursed for the transportation expenses the legislator incurs when traveling during a legislative session on the same mileage basis as is provided for state employees.
5. **Travel by employees of the Legislature:**

- a. When traveling outside the State of Texas, employees of the Legislature may be reimbursed for their actual expenses for meals and lodging.
  - b. When traveling inside the State of Texas, employees of the Legislature may be reimbursed for their actual expenses for meals and lodging in accordance with TEX. GOV'T. CODE ANN., SEC. 301.030(a) (Vernon).
- 6. Designation of state employees:
  - a. When a member of the Legislature, judicial officer, head of agency, Executive Director of the Legislative Council, the Secretary of the Senate, or member of a board or commission is unable to personally attend a meeting or conference, they may designate one of their employees to represent them at the meeting or conference. The designated employee may receive reimbursement of his actual expenses for meals and lodging while attending the meeting or conference. The designations authorized in this sub-section must occur on a trip-by-trip basis.
  - b. Members of the Legislature, judicial officers, heads of agencies, the Executive Director of the Legislative Council, the Secretary of the Senate, and members of state boards and commissions may authorize state employees traveling with them to receive reimbursement of their actual expenses for meals and lodging.
- 7. Aircraft pilots: Aircraft pilots shall be reimbursed for their actual expenses for meals and lodging on the same basis as provided in this Article for state employees. However, aircraft pilots are not subject to the requirement of being away from their designated headquarters for at least six consecutive hours in order to qualify for reimbursements of their meals.
- 8. Prior written approval required: None of the funds appropriated by this Act may be used to reimburse actual expenses as authorized in sub-sections 3 and 6 of this Section unless the head of the agency gives advance written approval and indicates the approximate cost of such travel.
- 9. Members of state boards and commissions:
  - a. As authorized by TEX. REV. CIV. STAT. ANN. Art. 6813(f) (Vernon), members of state boards and commissions shall receive the following from the state when conducting official state business:
    - (1) compensation of \$30 per day;
    - (2) reimbursement of their actual expenses for meals and lodging when traveling outside of the State of Texas and reimbursement of their actual expenses for meals and lodging not to exceed \$75 per day when traveling inside the State of Texas; and
    - (3) reimbursement of their transportation and incidental expenses at the rates specified in this Act for state employees.
  - b. If a law enacted after Article 6813(f) authorizes the payment of compensation or the reimbursement of meals and lodging expenses, or both, to members of a particular state board or commission, but does not specify the rate of that payment or reimbursement, then the rates specified in this sub-section shall apply.
  - c. State agencies that have a "Schedule of Exempt Positions and Per Diem of Board Members" following their appropriations may pay compensation to their board or commission members in an amount not to exceed the amount specified in the schedule for each fiscal year.
  - d. None of the funds appropriated in this Act may be used to pay compensation to a member of a state board or commission to the extent that the member provided services to the board or commission during the period of time when the member is customarily required to provide services as a state employee to his employing state agency.

- e. When members of boards or commissions who are entitled to be reimbursed for their actual expenses incur expenses for meals or lodging while attending official meetings, the reimbursements may be claimed by the submission to the Comptroller of a single travel voucher. However, this voucher must itemize expenses for each board or commission member. The board or commission shall designate the appropriate employee or officer of the agency to be responsible for approval of these vouchers.

10. Travel by disabled persons:

- a. Notwithstanding any other provision of this Article, state agencies may reimburse disabled state employees and disabled members of the Legislature for attendant care and other necessary expenses incurred when they travel inside or outside their designated headquarters. However, disabled persons may not be reimbursed for the expenses incurred when traveling from their residences to their places of employment except as provided in this Act for state employees.
- b. First class airfare for the disabled and their attendants may be reimbursed so long as that airfare is medically necessary.
- c. None of the reimbursements authorized in this sub-section may be paid until the employing state agency has established policies and procedures for the travel of disabled persons. The reimbursements authorized in this sub-section shall be in addition to the reimbursements authorized elsewhere in this Article.

Sec. 18. MOVING EXPENSES OF STATE EMPLOYEES.

- 1. A State agency included in Articles I, II, III, or IV of this Act may use appropriated funds to pay the reasonable, necessary, and resulting costs of moving the household goods and effects of a state employee who is transferred from one designated headquarters to another so long as the agency determines that the best interests of the State will be served by such transfer and the distance between the two designated headquarters is at least 25 miles.
- 2. State-owned equipment shall be used to move the household goods and effects of transferring state employees. However, when such equipment is unavailable, state agencies may pay for the services of a commercial transportation company or for self-service vehicles to make the move.
- 3. The use of appropriated funds as authorized in this Section is expressly conditioned upon presentation to the Comptroller of bona fide receipts or invoices showing the applicable charges.
- 4. Transferring state employees may be reimbursed at the standard mileage rate for reasonable and necessary moving-related travel by personally owned or leased motor vehicle.
- 5. State employees who will be required to live in state-owned housing may be reimbursed for the storage expenses incurred when the housing is not available at the time the employing state agency requires the move to be made.

Sec. 19. PASSENGER AND OTHER VEHICULAR EQUIPMENT (EXCLUDING AIRCRAFT).

- 1. Only the following agencies are authorized the use of appropriated funds for the purchase, operation, and maintenance of passenger cars and other vehicles designed for passenger transportation (excluding aircraft): Texas Youth Commission, Adjutant General's Department, Alcoholic Beverage Commission, Department of Agriculture, Attorney General, State Purchasing and General Services Commission, Department of Criminal Justice, Department of Transportation, Historical Commission, General Land Office, Parks and Wildlife Department, Railroad Commission, Department of Public Safety, Water Commission, Water Development Board, Board of Plumbing Examiners, Board of Pharmacy, Low-Level Radioactive Waste Disposal Authority.
- 2. For the purposes of the above limitation, the following vehicular equipment shall not be construed to be passenger cars and other vehicles designed for passenger transportation and may be purchased, operated, and maintained by an agency through appropriated funds:

panel, pickup and delivery trucks and trucks required for the conveyance of special equipment; motorcycle delivery units; dual control automobiles used exclusively for driver training; passenger cars equipped with two-way radios when such equipment is a direct requirement of the user's primary responsibility; motorcycles, jeeps, and boats needed and used for fire prevention, fire fighting and other activities for safeguarding public safety, public property, or for criminal law enforcement; ambulances or other passenger vehicles specifically equipped and regularly used for ambulance services; buses, sedans, vans and station wagons regularly used for the mass transportation of numbers of people and essential to the efficient management of the operating agency of the state as certified by a report filed with the Governor's Budget and Planning Office and the Legislative Budget Office prior to acquisition.

3. It is the intent of the Legislature that agencies authorized to purchase passenger vehicles and/or other general use ground transportation vehicles shall purchase economical, fuel efficient vehicles assembled in the United States of America when the purchase of such vehicles would have no significant detrimental effect on the public service being performed. Each agency purchasing vehicles as authorized in this Act shall file, as a part of the annual report required elsewhere in this Article, a report listing each passenger vehicle purchased, make and model, purchase price, assigned type of use and fuel efficiency as expressed by the manufacturer fuel efficiency rating.
4. No funds appropriated by this Act may be expended by any agency or employee or state official to use a state car for personal use or for commuting to or from work, except when such commuting may be necessary to ensure vital agency functions are performed. Exceptions and reasons therefore shall be certified by individual name and job title by the administrative head of each affected agency and reports of such exceptions shall be filed in the annual report of the agency.

#### Sec. 20. AIRCRAFT.

1. This sub-section shall apply only to state-owned aircraft and shall be the only appropriation authority therefor:
  - a. No purchase of aircraft shall be made from appropriated funds except as authorized in this Section.
  - b. Agencies authorized to expend appropriated funds for the maintenance and operation of state-owned aircraft or replacements authorized below are: Texas A&M University System, Department of Criminal Justice, Department of Transportation, Parks and Wildlife Department, Department of Public Safety, University of Texas System, Texas State Technical College, Texas Forest Service, and Aircraft Pooling Board. Notwithstanding any other provision of this Act, all state-owned aircraft (including aircraft forfeited to or seized by a particular agency) are subject to the authority of the Aircraft Pooling Board under Article 4413(34b), V.A.C.S.
  - c. Expenditure of appropriated funds for replacement of the above aircraft with aircraft of comparable quality may be made contingent upon approval of the Aircraft Pooling Board and a finding of fact by the Governor that a report has been filed with his office showing:
    - (1) That the aircraft to be replaced has been destroyed or has deteriorated to an extent that continued operation presents a serious hazard or that the aircraft to be replaced can no longer meet the mission requirements of the principal user state agency.
    - (2) That other state-owned aircraft cannot be effectively utilized in lieu of a replacement aircraft.
  - d. It is the intent of the Legislature that state-owned aircraft be utilized by all agencies of the state. To determine the extent to which this intent is being met, agencies operating state-owned aircraft shall file an annual report with the Legislative Budget Office detailing utilization by other agencies and the methods used to increase the utilization. Statewide-elected officials shall be given priority in the scheduling of aircraft, however,

the State Aircraft Pooling Board may require a twelve (12) hour notice by an official in order to accomplish such priority scheduling.

- e. The Aircraft Pooling Board shall purchase liability insurance to protect the officers and employees of state agencies operating state-owned aircraft. Expenditures necessary to purchase such insurance shall be made on a pro rata basis, as determined by the Aircraft Pooling Board, from appropriations authorized to each agency operating a state-owned aircraft. The Comptroller shall transfer such necessary amounts from agencies operating aircraft to the Aircraft Pooling Board for the purchase of liability insurance and expenditure of such funds by the board is hereby authorized.
  - f. All state agencies operating aircraft based in Austin shall use State Aircraft Pooling Board facilities for storage, maintenance, and fueling of these aircraft to the extent that State Aircraft Pooling Board facilities are available.
  - g. All agencies using State Aircraft Pooling Board services shall reimburse the State Aircraft Pooling Board for providing services within 30 days from the date of billing.
  - h. Any reimbursements received by an agency of the state for authorized aircraft services rendered to any other agency of the state are hereby reappropriated to the agency receiving such reimbursements, and shall be credited to the agency's appropriation item(s) for aircraft expenses.
  - i. All rates charged for interagency aircraft services shall be approved by the Aircraft Pooling Board and shall be set at levels adequate for recovery, to the extent possible, of all direct costs (including the pro-rata share of major maintenance, overhauls, and pilots' salaries) for the services provided.
  - j. Except for appropriations made to the State Aircraft Pooling Board and the Comptroller of Public Accounts, no appropriations made in this act may be expended for lease or operation of aircraft, unless used only for transportation which meets the following criteria:
    - (1) the purpose of the trip is official state business;
    - (2) all passengers are state officers or employees, or are persons in the care or custody of state officers or employees, or are persons whose transportation furthers the official state business purpose of that flight;
    - (3) the destination is not served by commercial carriers, or the time required to use such a carrier interferes with other obligations, or the number of state officers and employees traveling makes the use of state aircraft cost effective;
    - (4) any speeches to be given by passengers are related to official state business;
    - (5) events attended by passengers are not sponsored by a political party or for its promotion;
    - (6) no fees or honorariums are received by passengers, unless travel costs are reimbursed to the state;
    - (7) no money is raised for private or political purposes; and
    - (8) audiences are not charged to see or hear any of the passengers.
2. This subsection shall apply to expenditure of funds in connection with aircraft not owned by the state.
- a. In the event that a need arises and no state-owned aircraft are available through the Aircraft Pooling Board, or if the board determines that long or short-term lease or rental of aircraft would reduce the cost of transportation to the State of Texas, the board shall authorize state agencies to expend funds for such lease or rental of aircraft or helicopters.

- b. Other than mileage reimbursements provided for in this Act, no other state agency in Articles I through IV may expend appropriated funds for the lease or rental of aircraft.

## **OTHER PROVISIONS**

Sec. 21. **ACCEPTANCE OF GIFTS OF MONEY.** All bequests and gifts of money to state agencies named in this Act including Article VI who have specific authority to accept gifts are hereby appropriated to the agency designated by the grantor and for such purposes as the grantor may specify, subject to the following:

1. All such bequests and gifts of moneys, unless exempted by specific statutory authority, shall be deposited into the State Treasury and shall be expended in accordance with the provisions of this Act.
2. No gifts or bequests to a state agency shall be transferred to a private or public development fund or foundation, unless written permission for the transfer is given by the donor of the gift or representative of the estate. An account of all such letters of written permission and transfers of gifts and bequests shall be kept by the agency and shall be reported to the State Auditor.

Sec. 22. **FEDERAL FUNDS.**

1. All funds received from the United States government by state agencies and institutions named in this Act are hereby appropriated to such agencies for the purposes for which the federal grant, allocation, aid, payment or reimbursement was made subject to the following:
  - a. Federal funds including unexpended balances shall be deposited to and expended from the specific program identified under each agency's appropriation bill pattern.

No federal funds may be expended for programs or activities other than those which have been reviewed by the Seventy-first Legislature and authorized by specific language in this Act or encompassed by an agency's program structure as established by this Act.
  - b. Federal reimbursements received for expenditures previously made or services performed on behalf of federal programs from state funds shall be credited by the Comptroller to the fund from which the expenditure was originally made. The credit shall be to the agency's current appropriation item or accounts from which the expenditures of like character were originally made and are hereby reappropriated. Reimbursements received from employee benefits paid from General Revenue Fund appropriations of other administering agencies shall be deposited to the unappropriated General Revenue Fund.
  - c. All agencies receiving federal funds shall utilize those funds to the maximum extent possible to reduce expenditures of state funds appropriated for use. It is the intent of the Legislature that reductions in state funds be returned to the State Treasury.
  - d. It is the intent of the Legislature that any position created for administration of federal grant programs shall be phased out upon discontinuance of the particular federal grant for which it was authorized.
  - e. Annual reports showing federal funds received and their intended usage shall be filed by the Governor's Budget and Planning Office with the presiding officers of both houses of the Legislature for referral to appropriate standing committees for review.
2. Agencies subject to the Position Classification Act of 1961 will make federal grant employment in accordance with the provisions of that Act in positions listed in Article V of this Act.
3. In order to maximize the amount of federal alcohol and drug abuse funds which might become available to the Texas Commission on Alcohol and Drug Abuse, it is the intent of the Legislature that state funds used by any state agency to provide alcohol and drug abuse services may be counted towards any required state matching contribution for such federal funds.

Sec. 23. **EARNED FEDERAL FUNDS.** Earned federal funds are defined as all moneys received in connection with each entitlement period of a federally funded contract, grant or program excluding reimbursements as defined in Section 22(1)(b), which are not required by the governing agreement to be disbursed thereon. Typically, they arise from recoveries of costs previously paid from a nonfederal fund source, interagency contracts paid from another agency's federal funds, indirect cost allocations, interest earned on federal funds, and minor sources such as the sale of fixed assets purchased with federal funds. Except for state agencies of higher education and their affiliated agencies, the expenditure of funds received and/or earned in accordance with this definition by state agencies is limited to the appropriation authority granted to each agency. Any such excess funds remaining at the end of the biennium for each agency are to be carried forward as a funding source available for appropriations of the subsequent biennium.

Sec. 24. **PRISON-PRODUCED GOODS.** In order that all state agencies and institutions covered by this Act fully utilize funds herein appropriated, it is the intent of the Legislature that such agencies and institutions shall purchase goods produced by the Texas prison system when such goods are equal to or lower in price than goods of a comparable quality when purchased on the open market.

Sec. 25. **ACQUISITION OF PROPERTY.** In order to conserve the moneys appropriated by this Act, the State Purchasing and General Services Commission and the governing boards of the state institutions of higher learning either acting directly or through the State Purchasing and General Services Commission or through any other state agency in behalf of their respective institutions, are hereby authorized to negotiate purchases of commodities and supplies of any kind or character whatsoever needed by any state agency with the duly authorized agencies of the federal government. However, any such commodities or supplies so purchased shall be obtained at a price not to exceed the prevailing market value thereof, and if there be no market value then at the real or intrinsic value.

It is further provided that only for the purposes of the expenditures authorized in the preceding paragraph, the State Purchasing and General Services Commission and the governing boards of the state institutions of higher learning may waive the requirement of bidder's bond and performance bonds, otherwise required, in negotiating such purchases with the duly authorized representatives of the federal government.

Except as specifically authorized to do so by existing statutes, none of the agencies for which appropriations are made in this Act shall accept the donation of real property or expend any of the moneys appropriated herein for the purchase of real property without the expressed permission and authorization of the Legislature. It is further provided that the institutions of higher education are specifically authorized to accept gifts or devises of real property from private sources for the establishment of scholarships, professorships, or other trusts for educational purposes, provided such property will not hereafter require appropriations by the Legislature for operation, maintenance, repair, or the construction of buildings.

Sec. 26. **SURPLUS PROPERTY.** Receipts to any agency of the state government specified in this Act which are received from the sale of surplus property, equipment, livestock, commodities, or salvage pursuant to the provisions of House Bill No. 1673, Chapter 773, Acts, Sixty-sixth Legislature, 1979, are hereby appropriated to such State agency for expenditure during the fiscal year in which such receipts are received. Receipts from such surplus and salvage sales are to be credited to the appropriation item from which like property, equipment, livestock, or commodities would be purchased.

Sec. 27. **EXCESS OBLIGATIONS PROHIBITED.** No department or agency specified in this Act shall incur an obligation in excess of the amounts appropriated to it for the respective objects or purposes named. As a specific exception to this provision the State Purchasing and General Services Commission may determine that a proposed installment purchase arrangement is cost effective and certify this finding in response to an agency request. Such a finding may be made for obligations incurred for the purchase or lease of automated information system equipment only if such department or agency has filed with the Department of Information Resources (DIR) a long-range automated information system plan and such plan has been approved by DIR. In the event this provision is violated, the State Auditor shall certify the fact and the amount of over-obligation to the Comptroller, and the Comptroller shall deduct an amount or amounts equivalent to such over-obligation from the salary or other compensation due the responsible disbursing or requisitioning officer or employee, and apply the amount to the payment of the

obligation. This provision is specified pursuant to Section 10, Article XVI, of the Constitution of Texas.

Sec. 28. DEFINITION OF "U.B." In this Act, the term "unexpended balance" or the abbreviation "U.B." means the unobligated balance remaining in any appropriation, i.e., only that part of an appropriation, if any, that has not been set apart by the incurring of an obligation, commitment, or indebtedness by the state agency authorized to spend the appropriation. A reference in this Act to "unexpended balance" or "U.B." is a reference to the unobligated balance of an amount appropriated for the fiscal year ending August 31, 1991, by Senate Bill 222, Acts of the Seventy-first Legislature, Regular Session, 1989.

#### Sec. 29. REIMBURSEMENTS AND PAYMENTS.

1. Any reimbursements received by an agency of the state for authorized services rendered to any other agency of the state government, and any private sources and any payments to an agency of the state government made in settlement of a claim for damages, are hereby appropriated to the agency of the state receiving such reimbursements and payments for use during the fiscal year in which they are received.
2. Forfeited money, proceeds from the sale of forfeited property or similar monetary awards related to the agency's participation in the seizure of controlled substances or other contraband are appropriated to the receiving state agency, unless distribution is otherwise provided by statute.
3. Except as provided elsewhere in this Act, net amounts of money received by an agency as a result of tax seizures, forfeitures of property, or other similar regulatory functions authorized by statute shall be deposited in the state treasury as unappropriated revenues to the funds and/or accounts authorized by statute. The portion of proceeds representing recoveries of costs incurred in such forfeitures, seizures or similar functions are appropriated to the receiving agency. Such cost recoveries include court costs, attorney fees, rentals or storage fees, auction and sale costs, preparation costs to condition property for sale, and salaries, travel, and other overhead costs of the agency.
4. The reimbursements and payments received shall be credited by the Comptroller to the agency's current appropriation items or accounts from which the expenditures of like character were originally made, or in the case of damage settlements to the appropriation items or accounts from which repairs or replacements are made; provided, however, that any refund of less than fifty dollars (\$50) to an institution of higher education for postage, telephone service, returned books and materials, cylinder and container deposits, insurance premiums and like items, shall be deposited to the current fund account of the institution in the State Treasury and such funds are hereby reappropriated.

#### Sec. 30. REFUNDS OF DEPOSITS.

1. Any money deposited into the State Treasury which is subject to refund as provided by law shall be refunded from the fund into which such money was deposited, transferred, or otherwise credited, and so much as is necessary for said refunds is hereby appropriated.
2. Unless another law, or Section of this Act, provides a period within which a particular refund claim must be made, funds appropriated herein may not be used to pay a refund claim made under this Section after four years from the latest date on which the amount collected or received by the state was due, if the amount was required to be paid on or before a particular date. If the amount was not required to be paid on or before a particular date, a refund claim may not be made after four years from the date the amount was collected or received. A person who fails to make a refund claim within the period provided by law, or this provision, shall not be eligible to receive payment of a refund under this provision.
3. As a specific limitation to the amount of refunds paid from funds appropriated in this Act during the 1992-93 biennium, the Comptroller shall not approve claims or issue warrants for refunds in excess of the amount of revenue estimated to be available from the tax, fee, or other revenue source during the biennium according to the Biennial Revenue Estimate of the Comptroller of Public Accounts used for certification of this Act. Any claim or portion of a claim which is in excess of this limitation shall be presented to the next legislature for a



specific appropriation in order for payment to be made. This limitation shall not apply to any taxes or fees paid under protest.

4. The State Comptroller of Public Accounts shall establish accounting procedures for suspense fund refund transactions in which all agencies will eliminate the delayed clearance of moneys from the suspense fund, reduce accounting paperwork, and maximize revenues to the General Revenue Fund and other state funds.

Sec. 31. DORMANT ACCOUNTS. As provided in Tex. Govt. Code Ann., Sec. 403.091 the State Comptroller of Public Accounts shall, with the consent of the State Auditor and the State Treasurer, transfer the balances in any dormant account to the General Revenue Fund.

Sec. 32. AUDITS. None of the appropriations herein made shall be used to employ any firm or person to audit the books of any department, board, commission, institution or state agency, this being the duty of the State Auditor; provided, however, that in any instances where the funds available to said State Auditor are not, in his judgment, sufficient for any requested or contemplated audit, the department head or heads having authority to disburse the appropriations herein made are hereby authorized to direct the state Comptroller to transfer from any appropriations to the appropriation herein made for the State Auditor the amount which in the judgment of the State Auditor is necessary for the purpose of making such audit.

Any amount so transferred to the State Auditor shall be used by him for the actual costs of the specified audit, and any balances of such funds remaining at the end of any fiscal year are hereby appropriated to the State Auditor for the purpose of completing the audit or audits for which the funds were transferred. On the completion of any such audits any excess funds remaining shall be transferred by the State Auditor back to the department, board, commission, institution or agency from which transferred.

The provisions of this Section notwithstanding, supplemental audits of funds received from the United States Government by agencies of the state named in this Act, which are required as a condition of the receipt of such funds, may be made in addition to the auditing performed by the State Auditor when funds for such purpose are provided by the federal grant, allocation, aid or payment.

Notwithstanding other provisions of this Act, any state agency providing grants or operating funds for governmental programs to local governmental units, private corporations, or other organizations other than a state agency or department, may require, as a condition to granting or providing such funds, that the receiving entity have a yearly independent audit performed and transmitted to the state agency. If sufficient personnel are available, the state agency may have its internal audit staff make a yearly inspection visit to the local entity. The state agency shall take action on exceptions noted in the independent audits and provide documentation of that action to the State Auditor, Legislative Audit Committee, Legislative Budget Board and the Governor's Office. Notice of such action shall be given at the board meeting of the state agency and shall be announced on the agenda of that meeting.

Sec. 33. INTERPRETATION OF ESTIMATES. In the event the amounts of federal funds, local funds, or funds other than appropriations from the General Revenue Fund, have been estimated in this Act in sums greater than are actually received by the respective agencies of the state, this Act shall not be construed as appropriating additional funds from General Revenue to make up such differences. Wherever the language of this Act appropriates all receipts and balances from a specified source but uses an estimated amount to inform the Legislature and the public, the estimated figure is not to be construed as a limitation on the amount appropriated.

Sec. 34. PETTY CASH ACCOUNTS. A state agency may expend petty cash funds in a manner consistent with the provisions of §403.241 et seq., Government Code. Such amounts as are necessary for the efficient operation of state agencies are appropriated. All amounts should be drawn from appropriations where similar expenditures would be made.

Sec. 35. SALE OF HEARINGS TRANSCRIPTS. Proceeds from the sale of transcripts made by hearings reporters who are state employees shall be deposited in the State Treasury in all cases where the copies of the transcript are made on state time or using state supplies or equipment. State agencies allowing employees to retain proceeds from the sale of transcripts shall develop

procedures for assuring that neither state equipment nor supplies are used in preparing copies of transcripts.

**Sec. 36. VENDING MACHINES AUTHORIZED.** Except in those areas which are now served by vendors operating under supervision of the Blind Commission, vending machines may be placed on state-owned or leased property or in state-owned or leased buildings only with the approval of the governing boards or commissions and such approval shall be recorded in the minutes of the body. A copy of the contract shall be filed with the State Purchasing and General Services Commission showing the location within the agency and the terms of the contract. Proceeds, net revenues, rentals or commissions received shall be accounted for as state revenue and the amount so collected is hereby appropriated to the institution, board, commission or agency for use as directed by the board or commission authorizing the installation. The amount of such proceeds, net revenues, rentals or commissions and disposal of such funds shall be included in the annual report of the state agency as required elsewhere in this Act. Vending machines located in areas or buildings now being serviced by vendors under the supervision of the Blind Commission must be operated under a joint contract with the machine owners and the vendors operating under the supervision of the Blind Commission.

**Sec. 37. PAY STATION TELEPHONES AUTHORIZED.** Pay station telephones may be located in the capitol area only with the approval of the State Purchasing and General Services Commission and the net proceeds of such installations shall be collected and deposited to the General Revenue Fund by the State Purchasing and General Services Commission. In other areas pay telephones may be located in state-owned or leased buildings or on state-owned land only with the approval of the governing board or commission and the net proceeds shall be collected and accounted for as state revenue and the amount so collected is hereby appropriated for use by the agency as determined by the governing board or commission. The amount of net proceeds and disposal of such funds shall be included in the annual report of the state agency as required elsewhere in this Act.

**Sec. 38. CENTRAL SUPPLY STORE AND REVOLVING FUND.** The legislative intent in establishing a Central Supply Store to serve state agencies is to obtain maximum efficiency and economy of operations and convenience to state agencies. To this end the revolving fund previously established in the amount of Seven Hundred Thousand Dollars (\$700,000) is hereby reappropriated. Transfer of agency funds to reimburse this revolving fund for purchases made by the using agency shall be accomplished by the most efficient and expeditious procedure possible including the elimination of warrant issuance when feasible.

**Sec. 39. PURCHASES OF POSTAGE.** Appropriated funds may be expended for purchasing postage stamps or paying post office box rent only upon warrants made payable to a United States Post Office. Each warrant shall be endorsed by the postmaster from whom the purchase of postage stamps was made or to whom the post office box rent was paid. However, the preceding limitations do not apply to any reimbursement authorized under either Section 29 of this Article, or Section 7., 4., Article III of this Act; to reimbursements to any authorized petty cash fund; or, to reimbursements to state employees for emergency purchases of postage stamps and emergency payments of post office box rent. The Comptroller of Public Accounts shall adopt rules and procedures to implement this section.

If the expenditures for postage by any agency, other than the Legislature or an agency of higher education, exceed Four Thousand Dollars (\$4,000) for the fiscal year, such agency shall install a postage meter machine and have all purchases of postage recorded on that postage meter machine, excepting purchases of stamps for field offices or traveling employees. The installation cost and rental of the postage meter machine shall be paid from appropriations in this Act which include general operating, current and recurring operating expense, other operating, maintenance, miscellaneous, or contingent expenses.

All sums received by an agency, in refund of postage used by the agency shall be deposited in the fund to the credit of the appropriation from which postage for said agency is paid and are hereby reappropriated for postage use.

**Sec. 40. COURT REPRESENTATION AND OUTSIDE LEGAL COUNSEL.** Except as otherwise provided by the Constitution or general or special statutes, the Attorney General shall have the primary duty of representing the State of Texas in the trial of civil cases. Funds appropriated in this Act may not be expended by any agency of the state government (other than those included in

Article VI of this Act) to initiate a law suit or defend itself against any legal action without the consent of the Attorney General. Absent this consent, such agency shall be represented in that particular action by the Attorney General or a member of his staff. Where the Attorney General, District Attorney, Criminal District Attorney, County Attorney, or other lawyer is required by constitutional or statutory provision to represent a state agency, state official, state board or state department, no compensation shall be paid from any appropriation made in this Act to any other attorney for representing the State of Texas in the trial of a civil law suit in Constitutional Courts except in those cases where the Attorney General consents to such representation or the District Attorney, Criminal District Attorney, County Attorney or other lawyer has requested that the attorney or attorneys employed by the particular state agency, state official, state department or state board assist with the trial of the particular law suit. This provision shall not, however, restrict a state agency, state official, state department or state board in the investigation and assembling of evidence in connection with a pending or prospective civil suit. Further, this provision shall not prohibit the foregoing state officials, state agencies, state boards or state departments and their employees from investigating, filing or presenting a claim, owing to the State of Texas, when such claim is filed with or presented to an individual, association, corporation, guardian, administrator, executor, receiver, trustee, legal representative, or probate court.

This provision was not intended and shall not restrict the Attorney General from employing special assistants to assist in the trial of civil suits to be paid from the appropriations therefor made to the Attorney General's Office.

Prior to expenditure of funds for retaining outside legal counsel, agencies and departments other than those included in Article VI of this Act shall request the Attorney General to perform such services. If the Attorney General cannot provide such services, he shall so certify to the requesting agency who may then utilize appropriated funds to retain outside counsel. However, funds appropriated in this Act may not be used to contract with an attorney who represents clients before the agency or who has, during a six month period preceding the initiative of the contract and a six month period following the termination of the contract, represented clients before the agency. It is specifically provided that no agency shall initiate the process of selecting outside legal counsel prior to receiving the approval of the Attorney General to retain outside counsel.

It is the intent of the Legislature that when the Attorney General is called upon by a state agency to take legal action in court against another state agency that the Attorney General give special consideration to permitting one of the agencies to employ, from the permitted agency's funds, outside counsel to represent that agency in that action in order to avoid a conflict of interest by the Attorney General in the representation of both agencies.

In the event that the Attorney General should initiate legal action against another state agency in behalf of the Attorney General rather than another agency, the Legislature determines that a conflict of interest exists and the agency against which the Attorney General takes action is hereby authorized to expend appropriated funds for outside legal counsel to represent that agency without the prior approval or consent of the Attorney General.

Sec. 41. ARCHITECTURAL FEES. Architectural fees paid from funds appropriated in this Act shall be governed by the following schedule and provisions:

1. The schedule of basic fees to be paid an architect or architects for all professional services as set out below, based on the total cost of the work, shall not exceed:

Construction Cost of Project:	Dormitories, Garages, and Warehouses	Classroom, Office and Other Bldgs.	Health, Research, Special Education Facilities
Over \$15,000,000	6.0%	6.0%	6.0%
\$200,000 to \$15,000,000	6.5%	7.0%	7.5%
Up to \$200,000	7.5%	8.0%	8.5%

Basic fee for remodeling and alterations shall be one-third greater than scheduled above. Alterations and remodeling is defined as any change, architectural, structural, mechanical or

- electrical, made to an existing structure and includes portions of that structure changed as a result of additions or extensions to a structure.
2. When one building design is used in two or more locations within the same project, the fees to be paid shall be:
    - a. For the first building of such design, a basic fee calculated according to the schedule above.
    - b. For the second and subsequent buildings utilizing such design, the basic fee shall be reduced 35%. Such fee shall include changes required by site conditions including foundation redesign; partition changes; mechanical and electrical changes; necessary program changes; other architectural services normal under such circumstances; and inspection of the construction.
  3. Architectural fees shall include:
    - a. The necessary conferences, and the preparation of preliminary studies and final designs.
    - b. The production of complete architectural, mechanical and structural drawings and specifications including their proper correlation.
    - c. Construction contract administration and all other normal architectural services.
    - d. Payment of all fees to consulting engineers and landscape architects for their services in connection with the building design and construction when employed by the architect.
  4. The architect shall inspect the construction of the work to such an extent as may be necessary to ascertain whether the work is being executed in conformity with his working drawings or specifications or directions; make recommendations on materials and equipment; check and report on contractor's proposals in connection with changes in the contract; and approve certificates of payment. When continuous field supervision or a clerk of the works is deemed necessary by the state, the cost of such supervisory personnel shall be borne by the state in addition to the basic fee.
  5. The maximum fee specified shall include the cost of all professional services rendered by an architect or architects, and the aggregate contract price for services rendered by a consulting architect and an associate architect shall never exceed the applicable fee limitation except as set forth in sub-section 3(d) hereof.
  6. The state will furnish the architect a limited consulting service consisting of a complete survey, soil analysis, and a program of the work outlining in detail the space requirements, their general relationships and the standards of types of construction.

Sec. 42. MINUTES OF BOARD MEETINGS. The appropriations made in this Act are contingent upon adherence to the following procedure: in order that the Governor and the Legislature may be more adequately informed about the disposition and use of appropriations authorized from all funds, the governing bodies of the institutions, schools, and agencies of the executive branch of the government shall cause to be filed with the Legislative Reference Library, immediately upon transcription, certified copies of the minutes of board meetings. Any changes or subsequent corrections of minutes shall be similarly filed with the Legislative Reference Library.

Sec. 43. STATE TELEPHONE SYSTEM USE. It is the intent of the Legislature that policy manuals of state agencies and institutions of higher education contain the directive that state employees be advised that an employee may be held liable for the cost difference between a non-State Telecommunications System (STS) call and an STS call, unless the non-STs call meets the following standards: (1) the executive head certifies to the Comptroller that an emergency exists; (2) the State Purchasing and General Services Commission determines the non-STs call is most cost effective; or (3) the STS network is not available at the location.

Sec. 44. INTERCITY TELECOMMUNICATIONS. State agencies shall to the fullest extent possible utilize the State Telecommunications System (STS). Funds appropriated in this Act to state agencies as defined in Section 1.02(2), Article 601b, V.T.C.S., shall not be expended for the

acquisition of intercity telecommunications until a determination has been made by the Telecommunications Services Division of the State Purchasing and General Services Commission that the agency requirement for intercity telecommunications cannot be met by the STS network. Existing facilities of the STS network will be utilized to the maximum extent possible to meet the intercity telecommunications needs of each agency.

**Sec. 45. TELECOMMUNICATION REVOLVING ACCOUNT.** All moneys paid into this account in accordance with the provisions of Article 10 of Article 601b, V.T.C.S., are hereby appropriated and may be expended for the purposes set out in Article 10. This includes services such as planning, development of requests for information and proposals and contract negotiations. The balance in this account as of August 31, 1991, is hereby reappropriated and may be expended for those same purposes.

**Sec. 46. CENTRALIZED CAPITOL COMPLEX TELEPHONE SYSTEM.** This section shall apply to state departments and agencies in the Capitol Complex area utilizing the state-owned Centralized Telephone Service of the State Purchasing and General Services Commission.

Upon certification by the State Purchasing and General Services Commission as to the pro rata share of the system for each using agency, a reimbursement to the State Purchasing and General Services Commission shall be accomplished by the most efficient and expeditious procedure possible including the elimination of warrant issuance when feasible. Funds applicable to the state-owned Centralized Telephone Service shall be maintained in the Telecommunication Revolving Account but specifically identified. The Telecommunication Revolving Account shall be utilized as the depository for specific appropriations, reimbursements from using agencies, and shall be a source of funds to purchase, installment purchase, lease or otherwise acquire services, supplies, and equipment and to pay salaries, wages, and other costs directly attributable to the provisions and operations of the system.

All moneys paid into this account are appropriated for stated purposes and the balance at August 31, 1991, is reappropriated for the 1992 fiscal year and the balance at August 31, 1992, is reappropriated for fiscal year 1993. Notwithstanding other provisions in this Act, the State Purchasing and General Services Commission is authorized to enter into a lease-purchase or installment purchase agreement for equipment and related telephone lines, etc., for a state-owned Centralized Telephone System.

**Sec. 47. USE OF TEX-AN NETWORK.** The Legislature instructs state agencies to use the Texas Agency Network (TEX-AN) to the fullest extent possible. Funds appropriated in this Act to state agencies as defined in Section 1.02(2), Article 601b, V.T.C.S., shall not be expended for the acquisition of intercity telecommunications facilities or services until a determination has been made by the Telecommunications Services Division of the State Purchasing and General Services Commission and the Department of Information Services (DIR) that the agency requirement for intercity telecommunications cannot be met by the TEX-AN network. State agencies shall not enter into or renew contracts with carriers or other providers of intercity telecommunications facilities or services without obtaining waivers from the Telecommunications Services Division and DIR certifying that the requested intercity telecommunications requirements cannot be provided at reasonable costs on the TEX-AN network. Waiver requests will be evaluated by the Telecommunications Services Division and DIR based on cost-effectiveness to the entire State of Texas. Waivers may be granted for specific periods of time and automatically expire upon the expiration date unless an extension is approved by the Telecommunications Services Division and DIR. Contracts for services obtained under waiver shall not extend beyond the expiration date of the waiver.

**Sec. 48. UNLISTED TELEPHONE NUMBERS PROHIBITED.** None of the funds appropriated by this Act shall be expended by any state agency, official or employee thereof, for the payment or rental or toll charges on telephones which are not listed or available from "Information Operators" at telephone exchanges. This section shall not prohibit unlisted telephone numbers used in providing access to computers, telephone system control centers, long distance networks, elevator control systems, and other tone controlled devices where restricted access to the telephone number is justified for security or other purposes, or in narcotic undercover operations or in detection of illegal sales of securities under the Securities Act.

**Sec. 49. BUDGETING AND REPORTING.** As a limitation and restriction upon appropriations made by this Act, all agencies covered under Article I through Article IV shall expend funds only if there is compliance with the following provisions:

1. On or before November 1 of each fiscal year, an itemized budget covering the operation of that fiscal year shall be filed with the Governor's Office of Budget and Planning, the Legislative Budget Office, the Treasury Department and Legislative Reference Library in the format prescribed jointly by both budget offices. The operating budget submitted shall include a cash flow analysis in a format determined by the State Treasurer. Such analysis shall be required of any agency by the State Treasurer only if the Treasurer has determined that revenue benefits will accrue to the state as a result of the analysis.
2. All subsequent amendments to the original budget shall be filed with the Governor's Office of Budget and Planning and the Legislative Budget Board within thirty (30) days of approval of such amendments unless such reporting requirement is waived.
3. Under guidelines developed by the Legislative Budget Board, each agency shall file reports with the Office of the Governor and the Legislative Budget Board analyzing the program performance and operational efficiency of each program and activity as indicated by performance and workload measures. The reports shall be submitted at such intervals required by the Legislative Budget Board and shall contain a comparison of actual performance for the period with performance projected to be achieved based on the level of funding provided. In developing guidelines for the submission of program performance reports the Legislative Budget board shall: (1) specify the measures to be reported; (2) approve the definitions of measures reported; (3) establish standards for the calculation of projected performance levels and the reporting of major variances between actual and projected levels; and (4) utilize, to the extent possible, the features and capabilities of the Uniform Statewide Accounting System for agency compliance with these reporting requirements.
4. Under guidelines developed by the Legislative Budget Board, each agency shall report periodically with regard to achievement of performance targets established in this Act. Such reports shall be filed with appropriate substantive committees of the House and Senate, the Governor's Office of Budget and Planning, the Legislative Reference Library, and the Legislative Budget Board.

**Sec. 50. ANNUAL REPORTS AND INVENTORIES.** None of the moneys appropriated in this Act in Articles I, II, IV, and to the Central Education Agency; the special schools under the State Board of Education; the Higher Education Coordinating Board; the Teacher Retirement System; and the Food and Fibers Commission in Article III of this Act, may be expended after a period of one hundred (100) days following the close of the fiscal year, unless there has been filed with the Governor, the State Auditor, the Legislative Budget Board, Legislative Reference Library, and Comptroller of Public Accounts an annual report as of August 31 of the preceding fiscal year by the executive head of each department or agency specified in this Act, showing the use of appropriated funds. The annual report shall include the following:

1. An annual financial report including a statement of assets, liabilities and fund balances and showing the true condition of all funds and accounts balances for which the department or agency head is responsible, and reflecting the actual cash on hand and on deposit in banks and in the State Treasury accounts, and moneys due the department or agency from all sources; values of consumable supplies and postage; values of inventories of movable equipment and other fixed assets; investments of bonds, notes, and other securities owned by any special funds under the jurisdiction of the department or agency; all other assets; and all sums of which the department or agency is liable for services rendered or goods received; and all outstanding commitments. The report shall also contain summaries by sources of all revenues collected or accruing to the state through the department or agency for the fiscal year immediately preceding; and a summary of appropriations, expenditures, bona fide encumbrances and all other disbursements of the department or agency for the fiscal year. The Comptroller of Public Accounts is to approve all reports as to form and content.
2. A list of all bonded employees showing name, title, and amount of surety bond, together with the name of the surety company.

3. An analysis of space occupied by the department or agency showing the number of square feet rented and the number of square feet occupied in state-owned buildings; giving the location of such space by building name or address and the number of square feet devoted to office, warehouse or other designated uses, indicating the cost per square foot, cost per month, annual cost and lessor of all rented space, and such other information as may be of assistance in describing the space utilized by each state department or agency.
4. An itemized statement of all professional and/or consulting fees paid out of appropriations made in this Act. The statement shall include the name of each person, partnership, corporation or other business entity receiving such fees and for what purposes the fees were paid. Except as otherwise provided by this Act, the statement shall include the services of licensed professionals, as defined in Article 666-4, V.A.C.S., and the personal services of individuals or entities under an independent contract to study or advise the agency as defined in Article 6265-11c., V.A.C.S.
5. A summary of the costs of operating and the use made of state-owned aircraft or aircraft operated under long-term lease or rental. The summary shall be in a format specified by the Legislative Budget Board and the State Aircraft Pooling Board and shall include aircraft description, date purchased or leased, cost, hours flown, operating costs, number of flights and destination, number, names and destination of passengers, date of each flight and a detailed and specific description of the official business purpose of each flight. Aircraft flight logs required by this section shall be provided on a monthly basis to the State Aircraft Pooling Board.
6. A list of purchases made in accordance with Article 601b, Section 3.09, V.A.C.S., to which the State Purchasing and General Services Commission has taken exception. Each item in the list should contain the following information: product purchased, vendor and purchase amount.
7. It is further provided that the State Auditor is to certify to the Comptroller of Public Accounts any and all departments which have not filed the required annual report within the specified time, and the Comptroller of Public Accounts is to withhold any salary warrants or expense reimbursement warrants to the heads or any employees of such departments or agencies as are on this certified list until such time as the State Auditor shall notify the Comptroller that such delinquent reports have been filed. The words "heads of departments or agencies" as used in this Section shall mean the elected and appointed officials, members of commissions, boards, etc., and the chief administrative officer of such department, board, commission, bureau, office, or agency of the state for which appropriations are made in this Act.

The Texas State Technical College and institutions of higher education listed in Article III of this Act, excluding junior colleges, must file by January 1 an annual report, as of August 31 of the preceding year, in accordance with guidelines established by the Comptroller of Public Accounts.

All departments, institutions of higher education, agencies, officers and employees or agents of the state shall, in addition to those estimates and reports now provided by law relating to appropriations, submit a binding encumbrance report by appropriation account relating to prior years non-construction appropriations within sixty days after the close of a fiscal year to the Comptroller of Public Accounts, State Auditor and the Legislative Budget Office. The Comptroller of Public Accounts, upon receiving the report, will promptly lapse any excess prior year appropriation authority. If an agency submits a valid claim after sixty days against a prior year appropriation account, the Comptroller of Public Accounts may re-open the account sufficient to pay the claim. The Comptroller of Public Accounts is to approve all reports as to form and content.

Sec. 51. **BOOKKEEPING ENTRIES.** Should clerical or bookkeeping errors result in any moneys being expended, transferred, or deposited into incorrect funds in or with the State Treasury or any moneys being cleared from a trust and suspense fund to other than the proper fund, such erroneously expended, transferred, deposited, or cleared moneys may be transferred to the correct funds or accounts or trust and suspense account within the State Treasury upon request of the administering department with the concurrence of the State Comptroller, and so much as is necessary for said transfer is hereby appropriated.

Sec. 52. **COST ALLOCATIONS.** For the purpose of more effective and efficient identification and allocation of costs, and to effect timely payments to employees and vendors, agencies may temporarily charge salary and/or operating costs to appropriations most applicable for the expense being incurred. Upon receipt of more specific information such as personnel-time allocation information for payrolls, or allocation of office supplies or other goods and services, agencies may reimburse the original paying cost centers and appropriations by transfer from the cost center and appropriation to which the expenditure should have been charged. Such transfers must be accomplished within twelve months in a manner which records appropriate expenditures to the borrowing cost center and negative expenditures to the lending cost center. These transfers may be in summary amounts in a manner approved by the Comptroller of Public Accounts. Each agency must maintain adequate detailed records to support summary transfer amounts.

Sec. 53. **TORT CLAIMS ACT.** None of the funds appropriated in this Act may be expended for the purpose of purchasing policies of insurance covering claims arising under the Texas Tort Claims Act.

Payments for outside legal counsel employed by any agency or board of the State of Texas shall not exceed the sum of \$100,000 in any single lawsuit unless and until expenditure of amounts in excess of said \$100,000 is specifically approved by the Governor.

Sec. 54. **DISCRIMINATORY PRACTICES.** None of the funds appropriated in this Act shall be expended by agencies which practice discrimination based on race, creed, sex or national origin. The State Attorney General shall be specifically responsible for the enforcement thereof upon the request of the Governor.

Sec. 55. **REIMBURSEMENTS FOR UNEMPLOYMENT BENEFITS.**

1. At the close of each calendar quarter, the Texas Employment Commission shall prepare a statement reflecting the amount of unemployment benefits paid to all former state employees based on wages earned from state employment and present it to the Comptroller of Public Accounts, who is hereby directed to pay by warrant out of funds appropriated from the General Revenue Fund such amount to the Unemployment Compensation Benefit Account to reimburse it for such payments.

The heads of state agencies, institutions, departments, commissions, boards, divisions, or other units of state government are directed to determine the proportionate amount of the reimbursement or payment due from funds other than General Revenue Funds and to present the Comptroller of Public Accounts a purchase or transfer voucher requesting reimbursement from such funds to General Revenue, and shall reimburse the General Revenue Fund with a check for funds not in the State Treasury. Such transfers and payments as are authorized under law shall be made within thirty (30) days from receipt of the statement of payments due. The Comptroller of Public Accounts may prescribe accounting procedures and regulations to implement this section.

2. An agency, institution, department, commission, board, division, or other unit of state government is authorized to allocate funds to a revolving account created on its books to receive contributions from funds other than General Revenue based on a percentage-of-payroll assessment to be determined by such unit of government for the purpose of reimbursing the General Revenue Fund for unemployment benefits paid.
3. The State Auditor shall review in his audit of respective agencies compliance with the provisions of this section.

Sec. 56. **DISTRIBUTION OF REPORTS.** No unit of government covered under Articles I through IV of this Act shall expend funds for the purpose of distributing reports, pamphlets or other printed matter to Members of the Legislature and other state officials unless they have complied with the following provisions:

1. Agencies designated above shall deposit copies of all printed matter prepared for distribution with the Legislative Reference Library.
2. Agencies desiring to make distribution to members of the Legislature and other state officials shall send notification that the material is on file and upon request of the person notified shall



mail the number of copies requested, provided that these restrictions shall not prevent the mailing of reports required by general law.

**Sec. 57. REIMBURSEMENTS FOR WORKERS' COMPENSATION PAYMENTS.**

1. At the close of each fiscal quarter, the Workers' Compensation Division of the Attorney General's Office shall prepare a statement reflecting the amount of workers' compensation payments paid to all former and current state employees and present it to the Comptroller of Public Accounts.

The heads of state agencies, institutions, departments, commissions, boards, divisions, or other units of state government are directed to determine the proportionate amount of the reimbursement or payment due from funds other than General Revenue Funds and to present the Comptroller of Public Accounts a purchase or transfer voucher requesting reimbursement from such funds to general revenue. Such transfers and payments as are authorized under law shall be made within thirty (30) days from receipt of the statement of payments due. The Comptroller of Public Accounts may prescribe accounting procedures and regulations to implement this Section.

2. An agency, institution, department, commission, board, division, or other unit of state government is authorized to allocate funds to a revolving account created on its books to receive contributions from funds other than general revenue based on a percentage-of-payroll assessment to be determined by such unit of government for the purpose of reimbursing the General Revenue Fund for workers' compensation claims paid.
3. The State Auditor shall review in his audit of respective agencies compliance with the provisions of this Section.

**Sec. 58. LAST QUARTER EXPENDITURES.** It is specifically provided that all state agencies, boards, commissions, departments and other governmental units using funds appropriated in this Act may not expend during the last quarter of any fiscal year more than one-third of the funds appropriated for that fiscal year. Specifically exempted from these provisions are expenditures contracted for in previous quarters; funds required by statute, rule or regulation to be expended on a different time frame; seasonal employment of personnel; construction contracts; contracts dealing with purchases of food, medicines or drugs; personnel connected with the phase-in of schools for the mentally retarded; expenditures related to the Crippled Children's program operated by the Department of Health; and expenditures occasioned by disaster or other Act of God; none of the funds exempted from this Section may be considered in the computation of the total funds appropriated in any fiscal year referred to in this Section.

**Sec. 59. PUBLICATION OR SALE OF PRINTED, RECORDED, OR ELECTRONICALLY PRODUCED MATTER OR RECORDS.** The moneys appropriated by this Act may be used for the publication, recording, production, and distribution of any matter of public interest, including lists, notices, pamphlets, video tapes, audio tapes, microfiche, films or other electronically produced information or records. The subject matter of the items distributed or sold must be directly related to the statutory responsibilities of the department or agency.

Any moneys received and collected from any charges specifically authorized by statute for such publications or records are hereby appropriated to the department or agency issuing the publications for use during the year in which the receipts are collected. The State Comptroller is to credit such receipts to the like appropriation item or items from which the original costs are paid.

**Sec. 60. APPROPRIATION TRANSFERS.** Subject to any specific restrictions in other provisions of this Act, appropriations contained in this Act may be transferred from one appropriation item to another appropriation item in amounts not to exceed 35 percent for the fiscal year, at the discretion of the chief administrative officer of each agency, department, or institution. As a specific exception to this transferability authority, funds appropriated for capital budget items and for technology goods and services are subject to restrictions contained in this Act.

Appropriations made in this Act to each agency, department, or institution are not subject to transfer between agencies, departments or, institutions except under the provisions of interagency contract or budget execution statutes.

Sec. 61. CONSTRUCTION STANDARDS. All agencies, departments and institutions covered by this Act shall ascertain that the standards and specifications for new construction, repair and rehabilitation of existing structures and facilities are in accordance with Article 601b, Vernon's Annotated Texas Statutes. A statement shall be filed with the Comptroller of Public Accounts to show compliance with this Section.

Sec. 62. CONSTRUCTION PROJECT ANALYSIS REQUIRED. None of the moneys appropriated in this Act in Articles I, II, IV, and to the Central Education Agency, the School for the Blind and Visually Impaired and School for the Deaf, may be expended for capital construction projects that are subject to project analysis provisions of the State Purchasing and General Services Act, Article 601b, Section 5, unless the agency, department or institution has complied with those provisions and completed the project analysis process. Prior to expenditure of any funds appropriated to agencies, departments or institutions named in Articles I, II, IV and to the Central Education Agency, School for the Blind and Visually Impaired and School for the Deaf, for capital construction projects, a completed project analysis must be filed with the Legislative Budget Board, the Governor's Office of Budget and Planning, and the Comptroller of Public Accounts.

Sec. 63. PUBLICATIONS.

1. No funds appropriated in this Act shall be expended in the preparation and distribution of any publication except for Texas Highways, Texas Parks and Wildlife Magazine, and Commission on Alcoholism publications whose cost is not totally reimbursed through revenue attributable to its publication or sale if the content or format of the publication is: (1) intended for use by the general public; (2) generally informational, promotional, or educational; and (3) not essential to the achievement of the primary objective(s) of the agency or institution. Publications specifically exempted from this prohibition are the following: (1) annual reports and other materials that are required by statute and whose content deals only with topics set forth in the law; (2) compilations of law, rules, or regulations; (3) newsletters; (4) Attorney General opinions; and (5) Comptroller opinions, revenue forecasts and fiscal analysis.
2. It is the intent of the Legislature that appropriated funds not be used to print publications of any type which prominently displays the name or picture of statewide elected officials.
3. All units of state government and all local political subdivisions which expend appropriated state funds to publish periodicals on quarterly intervals or more frequently than quarterly intervals at no charge shall insert annually in such periodicals a notice, in three consecutive issues, indicating that anyone desiring to continue to receive the publication must so indicate in writing. The agency shall furnish future publications only to those persons requesting.
4. None of the funds appropriated herein shall be used to produce any publications which have been reproduced on enamel coated, cast coated or dull coated stock, or which contain more than one photograph for each two pages of the publication unless a fee is charged for the publication that recovers the cost of its production. Publications which promote tourism or economic development, publications of the School for the Blind and Visually Impaired and the School for the Deaf or publications of agencies of higher education including all agencies of the Texas A&M University System are exempt from this provision.

Sec. 64. UTILITY APPROPRIATIONS. All funds appropriated in this Act for utilities shall be used for this purpose and no other, except as provided in Article 601d, Section 12, V.A.C.S. In order to insure the occurrence of this restriction, the Comptroller shall require agencies expending funds for this purpose to segregate amounts required and to stipulate the source of funding for such amounts. This information shall be compiled by the Comptroller along with expenditures from the various sources of funding and transmitted to the Legislative Budget Board and Governor's Office of Budget and Planning after the close of each fiscal year.

Sec. 65. JUDGMENTS.

1. None of the funds appropriated by this Act may be expended for payment of any judgment or settlement prosecuted by or defended by the Attorney General and obtained against the State of Texas or any state agency, except where it is specifically provided in an item or items of appropriation that the funds thereby appropriated may be used for the payment of such judgments.

2. Payment of all judgments and settlements prosecuted by or defended by the Attorney General is subject to approval of the Attorney General as to form, content, and amount, and certification by the Attorney General that payment of such judgment or settlement is a legally enforceable obligation of the State of Texas. This provision shall apply equally to funds appropriated for expenditure through the State Treasury, as well as funds appropriated for expenditure from funds held in local banks.
3. The Attorney General shall report to the Legislative Budget Board and the Governor's Office of Budget and Planning not less than monthly, a listing of all settlements and judgments above \$5,000 submitted to the Comptroller for payment. The document for publication shall contain at least the following information unless all or part of the information is exempt by court order or the Open Records Act: (1) a summary of the cause of action; (2) a summary of the terms of the settlement; (3) the style of the case; (4) the name and business address of each attorney representing the opposing litigants at the time of the settlement; (5) the amount of the judgment or settlement; (6) the fund or account from which payment was or should be made; (7) the statutory citation for the appropriation or other authority to be made; and (8) specific statutes granting waiver of sovereign immunity or legislative resolution granting litigant permission to sue.
4. The State Auditor shall verify compliance with this requirement for all funds appropriated in this Act, including funds which are retained and expended from accounts held outside the Treasury and which are not subject to reimbursement through funds held in the Treasury. Upon verification that an agency has not obtained the Attorney General's approval prior to payment of a judgment or settlement, the State Auditor shall certify such fact to the Comptroller of Public Accounts. The Comptroller shall withhold all appropriations for administrative expenses for the involved agency, until such time as the Legislative Audit Committee notifies the Comptroller that the agency's non-compliance has been reviewed and necessary recommendations or changes made.

**Sec. 66. RESEARCH POLICY.** No agency may expend any funds appropriated by this Act for research projects of any type until the agency has adopted and filed with the Legislative Budget Board a policy which clearly establishes and protects the property rights of the state with regard to any patentable product, process, or idea that might result from such research.

In order to avoid duplication, state agencies excluding institutions of higher education may not expend any funds to conduct or support policy research on subjects within the statutory jurisdiction of another agency without providing written notification to the agency concerning work plan and coordination of resources.

**Sec. 67. SALARIES TO BE PROPORTIONAL BY FUND.** It is the intent of the Legislature that unless otherwise restricted payment for salaries, wages, and benefits paid from appropriated funds shall be proportional to the source of funds.

**Sec. 68. EXAMINATION FEES.** All examination fees including the cost of the examination shall be collected by state agencies, and the payment for the examination cost shall be paid from appropriated funds of the agency.

**Sec. 69. COST RECOVERY PROGRAM.** The legislature instructs all state agencies and institutions of higher education providing goods or services to all other state agencies and institutions of higher education to recover the full cost, including indirect and allocable overhead, of any goods or services provided to another agency or institution of higher education. The legislature instructs all state agencies and institutions of higher education offering goods or services to fully recover all costs associated with the delivery of such goods and services. Full disclosure of such costs must be made before the good or service is offered. The Office of the State Auditor is authorized to verify at any time the full cost recovery charges for all goods and services so offered.

For purposes of this section, institutions of higher education providing services to other institutions of higher education under the same governing body shall be considered two separate institutions.

**Sec. 70. USE OF STATE ENERGY RESOURCES.** Before expending any funds appropriated by this Act for the acquisition of oil, gas, coal, lignite or other natural resource used in the production of energy, any agency or institution which leases land for mineral development through a board for lease as authorized by Natural Resources Code, Chapters 34, 35 or 36, shall use, to the greatest

extent practical, resources produced from land owned by the institution or agency to meet the energy requirements of the particular institution or agency. In order to implement this provision, the various boards for lease shall include a provision in all mineral leases to allow the taking in kind of any royalties due to the state. Further, the leases may include a provision for placing state meters on all gas wells at the wellhead for monitoring the amount of gas taken.

Sec. 71. CHARITABLE CONTRIBUTIONS. No employee paid from funds appropriated by this Act shall be required by their employer to contribute to charitable organizations. All such contributions shall be purely voluntary.

Sec. 72. EXPENDITURES FOR STATE-FEDERAL RELATIONS. No funds appropriated in this Act may be spent by a state agency to carry on functions for which funds have been appropriated to the Office of State-Federal Relations to perform except when an interagency contract has been executed between the Office of State-Federal Relations and the state agency.

Sec. 73. STATE PRESERVATION BOARD APPROVAL. State agencies appropriated funds to perform services with respect to the operation, maintenance, preservation and restoration of the State Capitol and Old General Land Office Building, their contents and surrounding grounds, shall upon designation by the State Preservation Board expend funds appropriated by this Act to perform such services.

Sec. 74. REPORTING OF OUTSTANDING JUDGMENTS. It is specifically provided that all state agencies, boards, commissions, institutions, and other state governmental units shall report all uncollected and outstanding debts and judgments to the Office of the Attorney General, not later than sixty days after normal agency collection procedures have failed, for further collection efforts. The Office of the Attorney General may develop a uniform reporting procedure for state agencies and institutions to report uncollected debts and judgments to the Attorney General's Office for further collection efforts.

Sec. 75. EXPENDITURES FOR REPRESENTATIVES OF GRIEVANTS PROHIBITED. None of the funds appropriated in this Act may be used to pay expenses for salary, travel or per diem of public employees who represent grievants in the presentation of grievances concerning wages, hours of work, or conditions of work except that state employees are allowed to take annual leave, compensatory leave, or leave without pay, subject to the procedures established by their agency of employment, to engage in this activity.

Sec. 76. RATES FOR RESIDENTIAL PLACEMENTS. None of the funds appropriated to the various state agencies for residential placements of clients shall be expended by the agencies unless the rates paid for residential placements do not exceed the maximum amount for each level of care recommended by the Health and Human Services Coordinating Council.

State agencies contracting directly with private residential care providers shall use a standard application form and shall require each contractor to submit cost reports according to procedures specified by the Council. State agencies providing funds with which local units of government purchase residential services for children shall encourage use of the standard application form and cost report.

Sec. 77. COLLECTION OF FUNDS FOR INSTITUTIONAL CLIENTS. It is the intent of the Legislature that all state agencies serving clients in institutions shall make every effort to collect funds from all available sources, including, but not limited to, hospitalization coverage and child support.

Sec. 78. RETENTION OF MINERAL RIGHTS. No state lands shall be sold unless the mineral rights are retained by the state, unless impractical.

Sec. 79. FINANCIAL DISCLOSURE STATEMENTS. None of the funds appropriated to departments and agencies covered in Articles I through IV shall be contractually obligated unless those employees who are responsible for entering into such contracts and for approving such expenditures have completed financial disclosure statements and these financial statements have been reviewed and approved by the board or commission to which each employee is responsible. All financial statements shall be on file in the administrative offices of the respective department or agency, shall be submitted to the responsible board or commission for approval annually, and shall be open to public inspection.

**Sec. 80. ACCESS TO STATE LANDS.** The state shall require egress and ingress on all state lands when any state lands are sold, providing additional state lands in the immediate area an easement to a public thoroughfare.

No state funds shall be expended with any person, corporation or business entity for any purpose not presently specifically authorized by statute where that person, corporation or business entity denies the state access by easement to landlocked state properties. State funds shall be construed as any tax funds, bond monies guaranteed by the state or any other funds flowing to or through any state agency, board, commission, entity or authority and specifically includes river authorities.

**Sec. 81. APPROPRIATION OF COLLECTIONS FOR SEMINARS AND CONFERENCES.** All funds collected for the reimbursement of costs associated with the conducting of seminars, conferences or clinics which directly relate to the legal responsibilities and duties of the agency and which are for the purposes of education, training, or informing employees or the general public are hereby appropriated for the necessary expenses incurred in conducting the seminar; provided, however, all applicable laws, and rules and regulations for the acquisition of goods and services for the state shall apply to such expenditures. Any remaining balances from such collections as of August 31, 1991 are hereby reappropriated for the same purpose for the biennium beginning September 1, 1991.

**Sec. 82. MAXIMIZATION OF INDIRECT COST REIMBURSEMENTS.** It is the intent of the Legislature that all state agencies and institutions participating in federally funded or other programs, where indirect cost reimbursements are an allowable part of charges to the program, establish procedures to maximize the recovery of such costs.

**Sec. 83. STATE PROPERTY USE FOR STATE PURPOSES REQUIRED.** No person shall entrust state property to any state official or employee or to anyone else to be used for other than state purposes.

**Sec. 84. EXPENDITURES FOR TALKING BOOK MACHINES.** Each state agency for which funds are appropriated in this Act are hereby authorized to expend not more than \$100,000 per year from available appropriations for the purchase of talking book machines.

**Sec. 85. LIMITATION ON USE OF FUNDS FOR PERSONAL RESIDENCES.** Out of appropriations made herein, no expenditures exceeding \$25,000 shall be made from appropriated funds for purchasing, remodeling or repairing of personal residences or living quarters unless the expenditures are either required by court order, or will result in increased safety, significant net cost savings or prevention of substantial waste. Prior to any such expenditure in excess of \$25,000, the Legislative Budget Board shall approve the expenditure under authority pursuant to H.J.R. 72, Acts of the Sixty-ninth Legislature, Regular Session, 1985. In the event of an emergency or in the absence of a meeting by the Legislative Budget Board within 30 days of the request, the Director of the Legislative Budget Board, after consultation with the Board members, may take action on the request. The State Purchasing and General Services Commission shall report all expenditures for this purpose to the Legislative Budget Board.

**Sec. 86. ENERGY CONSERVATION PROGRAM.** All agencies and institutions appropriated funds in this Act shall adopt and implement an energy conservation program for office buildings owned and leased by the state. The energy conservation program shall include measures recommended by the Office of the Governor together with any other practical maintenance measures that would augment energy savings in state office buildings. A copy of the energy conservation program shall be filed with the Energy Management Center in the Office of the Governor.

**Sec. 87. UNFAIR BUSINESS PRACTICES.** Funds appropriated by this Act shall not be used to purchase supplies, equipment or services from companies which have been found, in a judicial or state agency administrative proceeding, to be guilty of unfair business practices. This restriction shall also apply to any company which has as an officer an individual who served as an officer in another company which has been found, in a judicial or state agency administrative proceeding, to be guilty of unfair business practices. This restriction on expenditures shall be in effect for a period of one year from the determination of guilt.

**Sec. 88. USE OF CAPITAL TRUST FUND.**

1. It is the intent of the Legislature that all proceeds and interest deposited in the Capital Trust Fund to the credit of the Department of Mental Health and Mental Retardation during the 1990-91 biennium, and all receipts and interest received during the 1992-93 biennium from MHMR lands be expressly available for the purpose of funding future legislative appropriations for MHMR only. No proceeds or interest credited to the Capital Trust Fund for MHMR shall be available for appropriations benefitting any other state agency except as outlined in (c) below.
2. The appropriation for the State Purchasing and General Services Commission in Senate Bill 222, Seventy-first Legislature, Regular Session, 1989, Article I, Sec. 41, page I-254, and its unexpended balance for the same purpose for fiscal year 1991 authorized by Senate Bill 11, Seventy-first Legislature, Sixth Called Session, 1989, is hereby reappropriated for the same purpose for the 1992-93 biennium. The amount of cash necessary to fully fund this appropriation in the Capital Trust Fund shall be set aside by the Comptroller's Office for the use of State Purchasing and General Services Commission, and not available to finance any other appropriations from the fund, except as outlined in (c) below.
3. It is the intent of the Legislature that the Capital Trust Fund not be available or used by any agency for the purpose of paying salaries. In the event of conflict with other appropriation acts, any matching benefit charges for salaries paid from the fund must be treated as a charge against the appropriation for individual projects in order to conserve the integrity of cash received from each land sale.

**Sec. 89. COLLECTIONS FOR PEER ASSISTANCE PROGRAMS FOR PROFESSIONALS APPROPRIATED.** All funds collected by state agencies during the 1992-93 biennium in accordance with House Bill 900, Sixty-ninth Legislature, Regular Session, 1985, in order to establish, administer, or finance peer assistance programs for professionals impaired by chemical dependency or mental illness are hereby appropriated for the purposes authorized by said Act.

Agencies may contract with, provide grants to, or make other arrangements with an agency, professional association, institutions, or individual to implement the provisions of House Bill 900, Acts of the Sixty-ninth Legislature. In addition, state agencies may accept, transfer, and expend funds made available by the federal or state government or by another public or private source to fund approved peer assistance programs.

**Sec. 90. MEMBERSHIPS OR DUES FOR PROFESSIONAL ORGANIZATIONS.** In order to conserve funds appropriated to the various departments, agencies, and institutions, the department or agency heads, or heads of higher education units with exception of state libraries, shall review and grant prior approval for any expenditures for recurring memberships or dues to professional organizations.

**Sec. 91. LIMITATION ON EXPENDITURES FOR LEASED SPACE.** No funds appropriated under this Act may be expended for leased office or building space for operations which are moved into newly constructed, purchased, expanded, or renovated state owned facilities funded from Texas Public Finance Authority Revenue Bonds.

**Sec. 92. CERTIFICATION SUMMARY REQUIRED.** As soon as practical following the Comptroller's certification of the appropriations made by the Seventy-second Legislature, the Comptroller shall transmit to the members of the Legislature a Summary Table which details the basis for certification of the major funds. The table shall be similar in format and detail to the "Major Estimates Summary Tables" published by the Comptroller in the Biennial Revenue Estimate and shall include the 1990-91 biennial appropriations from the major funds.

**Sec. 93. STATE LEGALIZATION IMPACT ASSISTANCE GRANTS.**

1. Federal State Legalization Impact Assistance Grant (SLIAG) funds received by state agencies as reimbursement in fiscal year 1992 and fiscal year 1993 for SLIAG-related administrative costs, costs of providing language and citizenship classes, costs incurred by local units of government or costs incurred by health-related institutions of higher education and state-funded family practice residency programs whose funding is administered by the Texas Higher Education Coordinating Board in providing services to eligible legalized aliens are

hereby appropriated to state agencies, including the health-related institutions and the Texas Higher Education Coordinating Board, for the purpose of augmenting existing state appropriations or reimbursing local units of government. Otherwise, federal SLIAG funds received by state agencies in fiscal year 1992 and fiscal year 1993 as reimbursement for costs incurred in providing services to eligible legalized aliens paid for out of existing program appropriations shall be deposited to the General Revenue Fund.

2. Agencies receiving State Legalization Impact Assistance Grant (SLIAG) funds during fiscal years 1992 and 1993 shall submit a report at the end of each fiscal year to the Legislative Budget Office, the Governor's Office of Budget and Planning, and the Health and Human Services Coordinating Council detailing the actual amount of SLIAG funds received and the purposes for which the funds were expended.

Sec. 94. **NURSING UNIFORM ALLOWANCES.** All nurses required to wear uniforms provided by their agency while conducting their official duties are to receive a cleaning allowance of \$200 per year unless the employing agency provides a cleaning service for the uniforms at no cost to the employees. Those nurses who must provide their own required uniform shall receive a clothing and cleaning allowance of \$700 per year, unless the employing agency provides a cleaning service for the uniforms at no cost to the employees in which case they shall receive a clothing allowance of \$500 per year.

Implementation of this section shall not result in a reduction of indigent care delivered by the employing agency or institution nor in the salaries of nurses employed by the employing agency or institution.

Sec. 95. **ACKNOWLEDGEMENT OF EXCEPTIONS TO SECTION 3.09.** The Legislature directs the State Purchasing and General Services Commission to notify the board and commission members, agency heads and elected officials of all state agencies including institutions of higher education by certified mail, return receipt requested, that the Commission has taken exception to the respective agency's decision to purchase any good, service, or item on a non-competitive basis.

Sec. 96. **ACKNOWLEDGEMENT OF STATE AUDITOR REPORTS.** The Legislature directs the State Auditor's Office to notify the board and commission members, agency heads and elected officials of all state agencies including institutions of higher education by certified mail, return receipt requested, of any report published by the State Auditor concerning the respective agency, board or institution.

Sec. 97. **SUBSCRIPTIONS TO MAGAZINES AND NEWSPAPERS.** The funds appropriated in this Act to a state agency for a particular fiscal year may be used to pay for the complete cost of a magazine or newspaper subscription even if the subscription covers more than one fiscal year.

Sec. 98. **SEMINARS AND CONFERENCES.** Funds appropriated in this Act for a particular fiscal year may be expended to pay the cost of registering or reserving a meeting room for a seminar or conference notwithstanding the fact that the seminar or conference will occur during the next fiscal year. Such payments shall be limited to circumstances requiring payment prior to the beginning of the next fiscal year, and shall be subject to rules and procedures established by the Comptroller of Public Accounts.

Sec. 99. **INTERAGENCY TRANSFERS OF GOODS AND SERVICES.** No state agency, including institutions of higher education, may transfer, trade, loan or in any way, give over to another state agency, including institutions of higher education, any consumable or non-consumable good or asset without first obtaining the written approval of the State Purchasing and General Services Commission, and in the case of computer and telecommunications hardware and software, the written approval of the Department of Information Resources as well. The State Purchasing and General Services Commission, as part of the approval process, shall determine that any transfer, trade, loan or surrender of such consumable or non-consumable good or asset is proposed to be made consistent with good purchasing practices promoted by general law statutes of the State of Texas.

Sec. 100. **INTERAGENCY CONTRACT APPROVALS REQUIRED.** None of the funds appropriated in this Act including federal funds shall be transferred or paid to another state agency including institutions of higher education for the purchase of goods or services from another state agency, including institutions of higher education exceeding \$2,500 unless a valid interagency

contract has been executed and approved by the State Purchasing and General Services Commission in advance of delivery of such goods or services. It is specifically provided that the State Purchasing and General Services Commission shall have the authority to approve all such interagency contracts. The Comptroller of Public Accounts shall require verification of the State Purchasing and General Services Commission's approval prior to the issuance of any warrants to pay for such interagency contracts.

Sec. 101. **COMPETITIVE COST REVIEW PROGRAM.** Each state agency subject to the competitive cost review program established under the provisions of Senate Bill 298, Seventieth Legislature, Regular Session, 1987, is authorized to transfer savings that result from reduced costs under the efficiency initiative between line items and between sub-items as specified by Article 601b, Section 13.07, V.A.C.S.

Sec. 102. **PURCHASES OF INFORMATION RESOURCES TECHNOLOGIES.**

1. In this section:

- a. "Information resources" means the personnel, procedures, equipment, and software that are employed, designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit information.
- b. "Information resources technologies" means data processing and telecommunications hardware, software, services, supplies, personnel, facility resources, maintenance, and training.

2. Each state agency, including institutions of higher education, appropriated funds in this Act shall submit an agency strategic plan to the Department of Information Resources (DIR) for approval no later than January 1, 1992. An agency strategic plan must be consistent with and based upon the state strategic plan referred to in sub-section 3. below. The agency strategic plan must be an integral part of an agency's legislative appropriations request and, after being approved by DIR, must be used by DIR in reviewing the agency's future purchases of information resources technologies. The agency strategic plan at a minimum must include:

- a. a brief statement clearly identifying the agency's mission, programs, goals, and objectives;
- b. a description of the agency's data processing environment;
- c. a description of the agency's current structure for managing information resources;
- d. a statement of the agency's strategic direction for the next two fiscal years concerning the management of information resources;
- e. a statement of reconciliation between the agency strategic plan and the state strategic plan; and
- f. a statement of the agency's projected requirements for information resources technologies during the next two fiscal years.

3. By no later than November 1, 1991, DIR shall adopt a state strategic plan for the management of information resources. The state strategic plan must be a visionary road map for the management of the state's information resources. The plan must:

- a. provide a strategic direction for the management of information resources for the four fiscal years following adoption of the plan;
- b. provide the framework so that the state's telecommunications systems can efficiently and effectively exchange information between state agencies;
- c. provide long-range policies for the state in achieving an integrated and efficient information resources network;
- d. identify major issues relating to the improved management of information resources; and



- e. recommend procurement policies and specifications for implementation by the State Purchasing and General Services Commission (SPGSC) so that full competition among providers of information resources technologies is encouraged.
4. Except as otherwise provided in this Act, the funds appropriated in this Act may not be expended to purchase information resources technologies unless SPGSC issued a purchase order after a DIR approved purchase. DIR may approve a purchase only if it is in accordance with an approved agency strategic plan.
5. DIR shall adopt rules concerning:
  - (a) whether certain types of purchases are exempt from this section;
  - (b) the expediting of the purchase review process;
  - (c) the format, content, updating, submission, and review of agency strategic plans;
  - (d) the review of purchases of information resources technologies; and
  - (e) emergency purchases of information resources technologies.

**Sec. 103. GOODS OR SERVICES PROVIDED BY TEXANS WITH DISABILITIES.** State agencies and institutions covered by this Act are encouraged to fully utilize funds herein appropriated to purchase products and services provided by Texans with disabilities under the provisions of Chapter 122, Human Resources Code.

**Sec. 104. REQUIRED COMPLIANCE TRAINING FOR STATE AGENCIES.** All state agencies, including public institutions of higher education, that have three or more complaints of employment discrimination during each year of the biennium shall expend funds appropriated through this Act to receive Comprehensive Equal Employment Opportunity training to be provided by the Texas Commission on Human Rights or other entities or persons approved by the Commission for supervisory and managerial personnel. Supervisory and managerial personnel trained by the Commission shall include, but are not limited to, respondents named in the complaints against such agencies. Each agency shall pay for all training costs or reimburse the Commission for its costs associated with this training through interagency contracts. The cost of training provided by the Commission shall be determined and approved by the Commission and the State Purchasing and General Services Commission. Any state agency that fails to comply with the provisions set out herein shall pay the Commission an amount not to exceed \$2,000 from funds appropriated through this Act for each complaint filed during the biennium. The Commission shall certify to the Comptroller, the Governor, and the Legislative Budget Board that an agency is not in compliance with the provisions set forth herein and such certification shall be the basis for the Comptroller to transfer the appropriate amount of funds appropriated through this Act from the agency to the Commission.

**Sec. 105. MINORITY HIRING AND CONTRACTING PRACTICES.**

1. The Appropriations Committee finds that, as reported by the Commission on Human Rights, the list of state agencies contained in Sec. 117, Art V, SB 222, Acts of the Seventy-First Legislature, Regular Session, 1989, are substantially below the available minorities for one or more categories in the total civilian labor force.
2. The Appropriations Committee finds that, historically, the following list of state agencies have not employed nor contracted with minorities in proportion to their available numbers in the civilian labor force or their percentage of total contractors.
3. The Appropriations Committee finds that the following list of state agencies have not employed or contracted with minorities in proportion to their available numbers in the civilian labor force or their percentage of total contractors.
4. The Appropriations Committee concurs with the findings of the Interim Report to the Seventy-first Texas Legislature of the House Special Committee on Businesses Owned by Women and Minorities.

5. The Appropriations Committee finds that the number of complaints filed with the Texas Commission on Human Rights was in excess of 240 at a cost of \$744,400.
6. The Appropriations Committee finds that minorities comprise 30 percent of the total civilian workforce in the State and that of that percentage of minorities, 11 percent are Black, 18 percent are Hispanic, and 1 percent are Other.
7. The Appropriations Committee finds that for all state agencies funded by this Act it shall be a reasonable statewide goal that in the hiring practices for new employees a minimum of 30 percent of employees for each State agency should be comprised of minorities. For each job category these percentage goals on a statewide basis are as follows:

Officials/Administration	14 percent
Professional	18 percent
Technician	23 percent
Protective Services	48 percent
Para-Professionals	25 percent
Administrative Support	25 percent
Skilled Craft	29 percent
Service/Maintenance	52 percent

Each agency shall consider the availability in each local area of qualified minorities in each job category to determine the goal in each local area where the agency hires employees.

This rider shall not affect any person employed on the effective date of this Act.

Each state agency and institution of higher education shall develop and implement a plan to recruit and select qualified minorities, women and disabled persons and use selection procedures that are in compliance with the Texas Commission on Human Rights Act. The Commission shall monitor state agencies and institutions to determine compliance with this provision.

All state agencies funded by this Act shall report to the Commission on Human Rights, within 60 days after the close of each fiscal year, the number of minority hirings and total hirings made during that year. The Commission on Human Rights shall, no later than January 1, 1993 submit to the Legislative Budget Board and the Governor's Office of Budget and Planning a state minority hiring practice report detailing this information.

#### Sec. 106. CONTRACTING WITH HISTORICALLY UNDERUTILIZED BUSINESSES.

1. It is the intent of the Legislature that this section apply to any appropriation made by this Act to state agencies and institutions of government.
2. In this section "historically underutilized business" means:
  - a. a corporation formed for the purpose of making a profit in which at least 51 percent of all classes of the shares of stock or other equitable securities are owned by one or more persons who have been historically underutilized because of their identification as members of certain groups, including Black Americans, Hispanic Americans, women, Asian Pacific Americans, and American Indians, who have suffered the effects of discriminatory practices or similar insidious circumstances over which they have no control;
  - b. a sole proprietorship for the purpose of making a profit that is 100 percent owned, operated, and controlled by a person described by Subdivision a. of this subsection;
  - c. a partnership for the purpose of making a profit in which 51 percent of the assets and interest in the partnership is owned by one or more persons described by Subdivision a. of this sub-section. Those persons must have a proportionate interest in the control, operation, and management of the partnership's affairs;
  - d. a joint venture in which each entity in the joint venture is a historically underutilized business under this sub-section; or

- e. a supplier contract between a historically underutilized business under this subsection and a prime contractor under which the historically underutilized business is directly involved in the manufacture or distribution of the supplies or materials or otherwise warehouses and ships the supplies.
- 3. This section is an expression of the intent of the Legislature and does not impose a duty not already provided for by general law or negate a power granted by general law.
- 4. It is the intent of the Legislature that:
  - a. for each type of service rendered under a contract or subcontract payable from the appropriation made by this Act to an agency, the agency or the general contractor employed by the agency shall award to historically underutilized businesses a number of contracts, the dollar value of which equals the percentage that historically underutilized businesses comprise of the total number of businesses offering the service;
  - b. the businesses that constitute "historically underutilized businesses" shall be determined by the State Purchasing and General Services Commission; and
  - c. under the goal set by this subsection, the agency and general contractor shall give preference, among bids or other proposals that are otherwise comparable, to a bid or other proposal by a historically underutilized business having its home office located in this state.
- 5. It is the intent of the Legislature that:
  - a. the State Purchasing and General Services Commission shall certify businesses that are historically underutilized businesses under this section; and
  - b. as part of its certification procedures, the department may approve a municipal program that certifies historically underutilized businesses under substantially the same definition and approve businesses certified by the municipality as historically underutilized businesses under this section.
- 6. It is the intent of the Legislature that:
  - a. the commission shall compile a directory of businesses certified as historically underutilized businesses under sub-section 2 of this Section;
  - b. the commission shall update the directory at least semiannually and provide a copy of the directory to state agencies semiannually; and
  - c. the commission and state agencies shall use the directory in determining awards of state purchasing and public works contracts.
- 7. It is the intent of the Legislature that:
  - a. Agencies shall report to the commission the total number and dollar amount of contracts awarded to historically underutilized businesses;
  - b. these reports shall be made each January and July and shall report on the previous six-month period; and
  - c. the commission shall compile and analyze the reports and submit a report based on the analysis to the presiding officer of each House of the Legislature each February.
- 8. It is the intent of the Legislature that:
  - a. the commission shall offer assistance and training to historically underutilized businesses in state procurement procedures; and

- b. the commission shall advise historically underutilized businesses of the availability of state contracts and advise historically underutilized businesses to enter the name of the historically underutilized business on the state's bid list.
- 9. It is the intent of the Legislature that the State Purchasing and General Services Commission shall purchase, lease, rent, or otherwise acquire supplies, materials, services, and equipment for the agency from historically underutilized businesses, including spot purchases and purchases that do not require a competitive bid.
- 10. It is the intent of the Legislature that:
  - a. the commission shall provide for emergency purchases by the agency and may set a monetary limit on the amount of each emergency purchase; and
  - b. each emergency purchase made under this section is subject to the historically underutilized business provisions of this section.
- 11. It is the intent of the Legislature that:
  - a. in purchasing supplies, materials, services, and equipment the State Purchasing and General Services Commission may use, but is not limited to, the contract purchase procedure, the multiple award contract procedure, and the open market purchase procedure;
  - b. the State Purchasing and General Services Commission shall have the authority to combine orders in a system of schedule purchasing to reach the goal, and it shall at all times try to benefit from purchasing in bulk; and
  - c. all purchases of and contracts for supplies, materials, services, and equipment shall, except as provided herein, be based whenever possible on competitive bids.

**Sec. 107. UNIFORM STATEWIDE ACCOUNTING AND PAYROLL SYSTEM.**

- 1. The Comptroller of Public Accounts shall maintain a uniform statewide accounting system which shall include a uniform statewide payroll system. The system shall be utilized by all state agencies, and shall be maintained in accordance with generally accepted accounting principals, including guidelines of the National Association of College and University Business Officers (NACUBO). The system shall be operated, administered and maintained on an ongoing basis in accordance with rules and procedures established by the Comptroller of Public Accounts after consultation with the Uniform Statewide Accounting System Committee. Notwithstanding any other provisions of this Act, the Comptroller of Public Accounts may contract for the goods and services that are necessary to implement a uniform statewide accounting and payroll system.
- 2. The establishment, modification or maintenance of individual accounting or payroll systems after the effective date of this Act must be in conformance with the Uniform Statewide Accounting System. The obligation and expenditure of all funds appropriated in this Act are contingent upon compliance with this Section.
- 3. Upon advice of the Uniform Statewide Accounting System Committee, the Comptroller shall promulgate rules and regulations for reports and other comprehensive financial information from all state agencies in the form, content and timing deemed necessary for the operation of a uniform statewide accounting system.
- 4. To ensure that the Program and Cost Accounting functions of the Uniform Statewide Accounting System (USAS) are maximized, it is the intent of the Legislature that the Legislative Budget Board and the Governor's Budget Office: (1) determine the agencies, institutions, programs, activities or other reporting units for which cost accounting data is required; (2) approve the basis for calculating and allocating costs to selected functions, tasks or measures; (3) determine the frequency of reporting cost accounting data needed; and (4) provide for the integration of cost accounting data into the budget development and oversight process. The determinations to be made should be based upon due consideration of the

relative benefits and cost-effectiveness of applying cost accounting requirements to a given state operation.

It is further the intent of the Legislature that the Comptroller of Public Accounts develop and provide USAS training modules and support for state agencies and institutions to activate the cost accounting requirements addressed above.

5. The State Auditor, when reviewing the operations of state agencies, shall audit for compliance with this Section, the Uniform Statewide Accounting System, the Comptroller's rules and the Governor's Budget Office and Legislative Budget Board's performance and workload measures and cost allocation guidelines. The State Auditor shall notify the Uniform Statewide Accounting System Committee, the Comptroller, the Governor, and the Legislative Budget Board as soon as practicable when a state agency is not in compliance. Upon receipt of such notification, the Comptroller shall lapse all appropriations for administrative expenses of the involved agency, including any funds allocated in accordance with this provision. Upon receipt of notification that the Legislative Audit Committee has reviewed the Auditor's findings and recommended appropriate action, the Comptroller shall release all such funds held in lapsed status.

**Sec. 108. HIGH SPEED RAIL.** As soon as practicable, the Texas High-Speed Rail Authority created by Senate Bill 1190, Acts of the Seventy-first Legislature, Regular Session, or its successor, shall reimburse the General Revenue Fund for the amounts appropriated by Senate Bill 222, Acts of the Seventy-first Legislature, Regular Session.

**Sec. 109. APPROPRIATION OF BOND PROCEEDS.** The proceeds from the issuance and sale of bonds or other obligations pursuant to the provisions of Art. 601d and 601d-1, V.T.C.S., are appropriated to the state agency to whose account the proceeds are deposited or credited. Proceeds include interest and investment income.

**Sec. 110. APPROPRIATIONS FROM SPECIAL FUNDS.**

1. Notwithstanding other provisions of this Act, appropriation amounts from special funds are specifically limited to amounts not to exceed the actual balances and revenues available to each such fund.
2. In order to preserve cash balances in the Treasury, the Comptroller of Public Accounts, with the assistance of the State Treasurer, may prescribe rules and procedures as may be necessary to limit or control expenditures or transfers from funds appropriated in this Act. These procedures may include rules relating to the deposit of receipts and issuance of warrants.

**Sec. 111. PREMIUM CONVERSION.** The Legislature instructs that all state agencies shall both inform and publicize to their employees the benefits of group insurance premium conversion.

**Sec. 112. AGRICULTURAL SOIL AND WATER CONSERVATION.** Pursuant to Chapter 15.434, Texas Water Code, there is hereby appropriated from the Agricultural Soil and Water Conservation Fund No. 563 deposits from that fund to each of the following agencies in equal amounts, not to exceed \$200,000 each, for purposes specified by statute: Texas Water Development Board; Texas State Soil and Water Conservation Board; Texas Agricultural Experiment Station; and Texas Agricultural Extension Service. Any balances remaining as of August 31, 1992, are hereby appropriated for fiscal year 1993.

**Sec. 113. LIMITATION ON EXPENDITURES - CAPITAL BUDGET.** Contained herein in appropriations made to certain agencies in Articles I, II, III, and IV of this Act are amounts identified as the "Capital Budget." No funds in excess of 20 percent of appropriations not restricted to capital budget purposes may be expended for purposes included within the definition of capital budget. This restriction does not apply to: expenditures for capital outlay items not included in the definition of the Capital Budget herein; or, to expenditures for Capital Budget purposes made by formula-funded general academic teaching institutions, public community/junior colleges or the Lamar Centers. The Capital Budget is defined to include expenditures for:

1. Acquisition of Land and Real Property (except for right-of-way purchases made by the State Department of Transportation),

2. Construction, Repair or Remodeling of Buildings and Facilities (except for routine or minor repairs),
3. Construction of Highways and Roads (except for such expenditures made by the State Department of Transportation),
4. Acquisition of Information Resource Technologies,
5. Purchase of Capital Equipment and Items (only for items with a cost of \$25,000 or more per unit).

Any expenditure directly related to acquisition of an asset, or to place an asset in service may be paid from the Capital Budget. In implementing the provisions of this section, the Office of the Comptroller of Public Accounts should refer to the *Detailed Instructions for Preparing and Submitting Requests for Legislative Appropriations for the Biennium Beginning September 1, 1991* and the official budget request submitted by the affected agency.

Notwithstanding the conditions and restrictions established by this provision, an agency may expend appropriated funds, not otherwise restricted, for the acquisition of Telecommunications Items and Computer Equipment and Software with a unit cost of \$1,500 or less. Funds allocated for "Acquisition of Information Resources Technologies" may also be used to purchase or contract for computer time, facility resources, maintenance and training.

Any unexpended balances remaining in appropriations made in S.B. 222, Seventy-first Legislature, for capital outlay purposes in fiscal year 1991 as reflected in rider provisions are hereby reappropriated for the fiscal biennium ending August 31, 1993 for the same purposes. Any unexpended balances remaining in appropriations made in this Act for capital budget purposes for fiscal year 1992 are hereby reappropriated for fiscal year 1993 for the same purpose.

#### Sec. 114. REGISTERED NURSES AND LICENSED VOCATIONAL NURSES.

1. In order to acquire and retain the employment of registered nurses and licensed vocational nurses, state agencies may, upon written authorization of each respective state agency head, hire or pay registered nurses and licensed vocational nurses at any step rate within the appropriate pay group established in Article V of this Act. This is to be used only in those localities where it is necessary to meet prevailing salaries encountered by the agencies in their recruitment and retention of registered nurses and licensed vocational nurses.
2. Any state agency may pay an additional evening shift differential not to exceed 15 percent of the monthly pay rate to registered nurses who work the 3:00 p.m. to 11:00 p.m. shift, or its equivalent, and an additional night shift differential not to exceed 10 percent of the monthly pay rate to persons in the above named job classifications who work the 11:00 p.m. to 7:00 a.m. shift, or its equivalent. An additional weekend shift salary differential not to exceed five percent of the monthly pay rate may be paid to persons in the above named job classifications.

Sec. 115. TDD MAINTENANCE. Agencies, departments, and institutions which use or possess telecommunication devices for the deaf are responsible for the repair and maintenance of these devices.

Sec. 116. COMPUTER NODE AND CLIENT REGISTRY. Pursuant to Section 21, Senate Bill 379, Acts of the Seventy-Second Legislature, Regular Session, all unexpended balances from the Health and Human Services Coordinating Council, Computer Node and Client Registry appropriation, as of August 31, 1991, are hereby reappropriated to the Department of Information Resources for the 1992-1993 biennium.

Sec. 117. TECHNOLOGY PLANNING CONTRACTS. It is the intent of the Legislature that agencies and institutions of higher education enter into contracts with the Department of Information Resources for the purpose of providing assistance with planning, analysis, and management functions relating to the procurement, use, and implementation of information resources technologies and services. Further, it is the intent of the Legislature that contracts under this section shall be executed on a full cost recovery basis. Notwithstanding any other provisions

of this act, funds appropriated for information resources technologies or services may be used for the purpose of this section.

**Sec. 118. COORDINATED TECHNOLOGY TRAINING.** The Legislature instructs all state agencies to maximize the utilization of appropriated funds used for information resources technology training by coordinating their training plans each calendar quarter with the Department of Information Resources if such offerings meet agency requirements and are cost-competitive.

**Sec. 119. REPORTING TO THE LEGISLATIVE BUDGET BOARD.** The Legislature instructs each state agency and institution of higher education to promptly and clearly provide to the Legislative Budget Board those reports and that data the Legislative Budget Board requires of each agency. As a condition of the appropriations made in this Act, the Legislature instructs each agency to so provide those reports and that data the Legislative Budget Board requires.

**Sec. 120. UNIFORM SERVICE REGIONS.**

1. In this section, "state agency" means a board, commission, office, institution, or other agency in the executive branch of state government, including an institution of higher education as defined by Section 61.003, Education Code.
2. This section applies to the division of the state into geographic units by a state agency for the purposes of regulation or delivery of services. This section does not apply to a division of the state into geographic units the boundaries of which are governed by federal law.
3. Not later than May 31, 1992, the Comptroller in conjunction with the Commissioner of Health and Human Services shall divide the state into uniform service regions of state government to replace the divisions of the state to which Subsection 2 of this section applies. The regions shall be established to maximize the efficient and proper provision of services by the state to its citizens, taking into account the geographic configuration and population dispersal of the state. The Legislature instructs each state agency to conform its service or regulatory functions to the regions established under this section not later than March 1, 1993.
4. This section does not prohibit a state agency from taking appropriate geographical information into account when it makes regulatory decisions:
  - a. on ratemaking;
  - b. that grant or deny permission to engage in a business in a less-than-statewide area; or
  - c. that are inherently based on geological, topological, or biological features such as the regulation of oil fields, coastal areas, or the taking of fish and game.

**Sec. 121. COOPERATION IN IMPLEMENTING USAS.** The Legislature directs each agency, department, and institution to fully cooperate with the Comptroller of Public Accounts in implementing the Uniform Statewide Accounting System (USAS). Full cooperation includes adopting standards as promulgated, complying with instructions, and otherwise participating in good faith toward the timely implementation of USAS under the direction of the Comptroller of Public Accounts.

**Sec. 122. STATE EMPLOYEE INCENTIVE SAVINGS\REVENUES.** It is the intent of the legislature that appropriations made in this Act be utilized in the most efficient and effective manner possible to achieve the intended purposes of administering agency operations and programs. In order to further this goal, the recommendations made in *Breaking the Mold: New Ways to Govern Texas*, which resulted from the Comptroller's Texas Performance Review Project, in issue paper CG 23 (relating to incentive cost sharing plans) are hereby implemented. In order to achieve identifiable spending reductions or savings of not less than \$300 million for the General Revenue Fund during the 1992-93 biennium, the following provisions shall apply to funds appropriated in this Act:

(a) Agencies subject to the Productivity Bonus Program, Article 6252-29a, Vernon's Texas Civil Statutes, shall review their operations and budgets and file with the Texas Incentive and Productivity Commission, or its successor, plans for cost saving programs in accordance with Article 6252-29a. Such plans are subject to approval by the Texas Incentive and Productivity

Commission and the Comptroller's Office. Cost saving plans developed under this section shall not include items exempted from the spending reductions required by Section 7, Senate Bill 111, Seventy-second Legislature, Regular Session. The plans required by this section and Article 6252-29a shall be submitted no later than December 1, 1991.

(b) The following provisions apply to productivity bonus plans:

(1) In accordance with Article 6252-29a, the statutory percentage of certified savings, not to exceed the amount of \$102,000, is hereby appropriated to the Texas Incentive and Productivity Commission for each year of the biennium to administer, promote and implement economy and efficiency programs through the Productivity Bonus Program. Pending receipt of funds from the Commission's share of the Productivity Bonus Fund (Fund No. 578), the Commission may utilize general revenue funds in this amount. Upon receipt of funds from Fund 578, the Commission shall reimburse general revenue.

(2) The Texas Incentive and Productivity Commission shall award employees of the agency or division the portion of the certified savings authorized by statute. The approved amount may be transferred back to the originating fund from that agency's productivity bonus account and shall be used by the employing agency for the purpose of paying eligible employees equal amounts of lump sum bonus payments not to exceed \$1,000 per employee for the biennium. Such lump sum payments are in addition to any other merit salary awards authorized elsewhere in this Act and are for the purpose of compensating such employees for productivity exceeding normal expectations.

(3) One-third of the certified savings remaining after the transfers and expenditures authorized in subparts (1) and (2) above are hereby reappropriated to the originating agency and may be transferred back to the originating fund from that agency's productivity bonus account and expended for agency purposes, including new and innovative programs designed to promote efficient and effective governmental operations.

(4) If legislation is enacted which changes the percentages of savings to be transferred or the types of transfers to be made, the provisions described in subparts 2 and 3 above shall be revised accordingly.

(5) All remaining amounts of the certified savings not transferred or used for the purposes authorized above shall be transferred into an unappropriated account in the General Revenue Fund as a source of funding for appropriations made elsewhere in this Act.

(6) The provisions in this section shall prevail over any other provisions in this Act relating to the Productivity Bonus Program, and shall serve as the maximum appropriation amounts and employee productivity bonus payments for the biennium, notwithstanding the higher limits authorized by statutory provision.

(c) The Comptroller of Public Accounts shall analyze the results of both actual savings for fiscal year 1992 and projected savings for fiscal year 1993. The difference between the actual and projected net savings estimated to be transferred into the unappropriated amount in the General Revenue Fund for the biennium shall be computed and compared to the targeted amount of \$300 million. Subject to procedures established by, and with the approval of the Legislative Budget Board, the Board may also reduce or transfer appropriations to minimize the across-the-board reduction required to comply with this provision. The remaining difference shall be reduced from agency budgets and funds and transferred to the General Revenue Fund using the procedures, exceptions, and methodology described in S.B. 111, Seventy-second Legislature, Regular Session, and the procedures adopted by the Comptroller pursuant to that Act. The Comptroller shall notify the Legislative Budget Board and the affected agencies of the estimated amount of such budget reductions.

(d) In calculation of the across-the-board budget reductions described in (c) above, the Comptroller shall also allow credit for any savings resulting from the State Employee Incentive Program which result in reduced spending or increased revenues for the General Revenue Fund. The Texas Incentive and Productivity Commission shall furnish information concerning net approved savings, the fund source, and other pertinent information to the Comptroller upon request. For calculation purposes, the net appropriations subject to the across-the-board budget reduction shall include amounts already reduced for productivity savings or employee incentive savings which have been



certified or are in the process of certification. From this calculation, the gross budget reduction and transfer for each agency shall then be credited for certified savings or amounts which are in the process of certification in order to compensate agencies which have used such programs to reduce operating costs.

(e) Upon implementation of an approved employee suggestion or productivity bonus plan, each agency shall establish a Savings Measurement Account for that suggestion or productivity plan and transfer into this account the share of the projected net first-year savings/revenues attributable to the suggestion or productivity plan during that fiscal year. All balances in these accounts as of August 31, 1992, are reappropriated for fiscal year 1993. At the beginning of fiscal year 1993, the agency shall transfer into the Savings Measurement Account the remaining share of the projected net savings/revenues for each approved suggestion or productivity plan applicable to fiscal year 1993.

At the conclusion of the implementation period for an approved and implemented suggestion or productivity plan, the amount of net savings/revenues certified by the agency and the Texas Incentive and Productivity Commission shall be compared with the balance in the Savings Measurement Account for that employee suggestion or productivity plan. If the certified net savings amount exceeds the balances in the Savings Measurement Account, the additional funds shall be derived from that agency's current year appropriations. If the certified net savings is less than the balance in the Savings Measurement Account, the excess amount deposited is available to the agency for expenditure in the current fiscal year for the same purposes as the original source appropriations. The certified net savings/revenues shall be transferred or lapsed in accordance with the provisions of this section.

(f) The Comptroller and the Texas Incentive and Productivity Commission shall jointly develop rules and procedures for the above provisions, where applicable.

**Sec. 123. EMPLOYEE MEAL AUTHORIZATION.** State agencies providing institution-based services including the Department of Criminal Justice, the Department of Mental Health and Mental Retardation, the Texas Youth Commission, the School for the Blind and Visually Impaired, and the School for the Deaf are authorized to provide meals to employees working in institutional settings and may charge a fee at costs established by the agencies which do not exceed the direct and indirect costs of preparation.

**Sec. 124. JOB NOTICE POSTING WAIVER.** To the extent permissible by law, any agency affected by legislatively-mandated reorganizations and/or mergers may transfer or reassign an employee without the necessity of posting a job vacancy notice provided that the executive director of the agency certifies that each transfer or reassignment is necessary for the proper implementation of the reorganization and/or merger.

**Sec. 125. CAPITAL IMPROVEMENT BONDS.** Notwithstanding the limitations prescribed by Article 601d, Section 9, relating to the location of buildings for which bonds may be issued, the Texas Public Finance Authority or its successor may issue revenue bonds under this Act to finance construction by the State Purchasing and General Services Commission of a state office building on land owned by the Texas A&M University System in Nueces County, at an estimated cost of \$10,000,000.

**Sec. 126. ACROSS THE BOARD REDUCTIONS.** Notwithstanding, the restrictions in this Act on appropriations made for capital budget purposes, across-the-board reductions included in this Act may be applied, at the discretion of the agency, to amounts provided for capital budget purposes and such amounts are hereby reduced accordingly.

**Sec. 127. UNEXPENDED BALANCES, H.B. 2110.** Any unexpended balances remaining in appropriations made in H.B. 2110, Seventy-second Legislature, Regular Session, are hereby reappropriated for the same purposes for the fiscal biennium ending August 31, 1993.

**Sec. 128. COST ANALYSIS OF CONSOLIDATION.** Within funds appropriated, each consolidated agency shall perform a cost analysis of the actual activities conducted in each of the individual merged agencies. This analysis should determine by individual position, by level in organization, by unit and department, the cost of the activities performed. The purpose of this study shall be to identify redundant, overlapping and fragmented functions which can be streamlined or eliminated in the consolidated agencies.

**Sec. 129. OIL OVERCHARGE SETTLEMENT FUNDS.** Funds allocated to the State of Texas through consent decrees, court decrees and administrative orders involving violation of mandatory petroleum pricing and allocation regulations, including the interest earned on those funds as well as the accrued earnings, are hereby appropriated to the Office of the Governor for the biennium beginning September 1, 1991.

Available funds may be distributed to programs and activities consistent with court-ordered settlements, federal guidelines, the Oil Overcharge Restitutionary Act, program categories and amounts outlined by the Seventieth and Seventy-first Legislatures, and the following programs:

Emergency Nutrition/Relief	\$2,500,000
Energy Crisis Program	\$2,500,000
Energy Extension Service	\$3,200,000
Institutional Conservation	\$1,100,000
Low-Income Home Energy Assistance	\$2,000,000
State Energy Conservation Plan	\$4,700,000
Weatherization Assistance	\$3,500,000

Notwithstanding other provisions of this Act, the Office of the Governor is authorized to make such transfers among oil overcharge programs qualified by the U.S. Department of Energy or the federal courts as is deemed appropriate by the Office of the Governor after review and comment by the Review Committee.

Any unexpended balances as of August 31, 1991 are hereby appropriated for the same purposes for the biennium beginning September 1, 1991.

**Sec. 130. REDUCTION FOR VEHICLE FLEET CONSOLIDATION.** As an adjustment to the amounts shown in this Act, the Comptroller of Public Accounts, with the prior approval of the Legislative Budget Board, is hereby directed to reduce the amounts appropriated to each applicable agency from the General Revenue Fund and other funds for the implementation of the Texas Performance Review recommendation relating to the consolidation of the state's fleet of vehicles to reduce expenditures on maintenance, fuel, repair and vehicle costs (CG4).

The Comptroller shall promulgate rules and regulations which may be necessary to administer this provision and to ensure that reductions of not less than \$12,519,478 in total funds and \$8,156,000 from the General Revenue Fund for the biennium are made.

**Sec. 131. TRAVEL EXPENDITURE REDUCTION.** As an adjustment to the amounts shown in this Act, the Comptroller of Public Accounts, with the prior approval of the Legislative Budget Board, is hereby directed to reduce the amount appropriated to each applicable agency from the General Revenue Fund and other funds for the implementation of the Texas Performance Review recommendation relating to the consolidation of state travel services to reduce state travel expenditures (CG2).

The Comptroller shall promulgate rules and regulations which may be necessary to administer this provision and to ensure that reductions of not less than \$976,000 from other funds and \$2,324,000 from the General Revenue Fund for the biennium are made.

**Sec. 132. CENTRAL PURCHASING REDUCTION.** As an adjustment to the amounts shown in this Act, the Comptroller of Public Accounts, with the prior approval of the Legislative Budget Board, is hereby directed to reduce the amounts appropriated to each applicable agency from the General Revenue Fund and other funds for the implementation of the Texas Performance Review recommendation relating to improving central purchasing policies (CG7).

The Comptroller shall promulgate rules and regulations which may be necessary to administer this provision and to ensure that reductions of not less than \$63,300,000 in total funds for the biennium are made.

**Sec. 133. DECORATIVE PLANT REDUCTION.** As an adjustment to the amounts shown in this Act, the Comptroller of Public Accounts, with the prior approval of the Legislative Budget Board, is hereby directed to reduce the amount appropriated to each applicable agency from the General Revenue Fund and other funds for the implementation of the Texas Performance Review

recommendation relating to eliminating the purchasing, renting, and maintaining of indoor decorative plants (CG9).

The Comptroller shall promulgate rules and regulations which may be necessary to administer this provision and to ensure that reductions of not less than \$1,000,000 in total funds and \$600,000 from the General Revenue Fund for the biennium are made.

None of the funds appropriated in this Act shall be expended for the purchase, rental, or maintenance of decorative plants. Purchases shall be limited to vegetation needed for erosion prevention, research, and agricultural uses.

**Sec. 134. REDUCTION FOR AGENCY CO-LOCATION SAVINGS.** As an adjustment to the amounts shown in this Act, the Comptroller of Public Accounts, with the prior approval of the Legislative Budget Board, is hereby directed to reduce the amounts appropriated to each applicable agency from the General Revenue Fund and other funds for the implementation of the Texas Performance Review recommendation relating to co-locating agencies in leased and/or owned space (CG5 and HS3).

The Comptroller shall promulgate rules and regulations which may be necessary to administer this provision and to ensure that reduction of not less than \$845,000 in total funds and \$284,000 from the General Revenue Fund in fiscal year 1993 for Health and Human Services agencies and \$789,000 in total funds and \$289,000 from the General Revenue Fund in fiscal year 1993 for other state agencies are made.

**Sec. 135. REPORT OF EXPENDITURES BY COUNTY.** The Comptroller of Public Accounts shall prepare an annual report reflecting expenditures by state agencies for each county. The report shall include appropriate information to both summarize total expenditures by agency by county, and reflect the type of expenditures by object or other arrangement as determined by the Comptroller. To the extent possible, all expenditures from funds held in the Treasury shall be reported on an actual basis reflecting the county where the goods or services were delivered. However, in situations where it may not be possible or practical to accurately determine the correct county, such as debt service payments, employee fringe benefits, etc., the Comptroller shall estimate the expenditures by county. All state agencies shall cooperate as necessary with the Comptroller in providing necessary information to enable the timely completion of the report. A copy of each report shall be filed with the Governor, Lt. Governor, Speaker of the House of Representatives, and Legislative Budget Board no later than December 1 of each year. Additionally, the Comptroller shall study the feasibility and estimated cost or other impact of gathering county by county expenditure data from all agencies on amounts expended from funds held outside the Treasury. The feasibility and impact study shall be presented to the 73rd Legislature in January 1993.

**Sec. 136. REVIEW OF SALARY LEVELS.** Contingent upon passage of H.B. 4, Seventy-second Legislature, First Called Session, the Position Classification Officer shall review the duties of Executive Directors of Agencies affected by that legislation and shall recommend salary alterations for exempt and classified positions to the Legislative Budget Board. The Legislative Budget Board is authorized to increase or reduce exempt salaries based on the recommendation of the Classification Officer. All recommendations shall be made no later than January 1, 1992.

**Sec. 137. REDUCTION-IN-FORCE, EXEMPT POSITIONS.** Contingent upon the enactment of H.B. 4, H.B. 7, S.B. 2, and S.B. 10 the agencies which are directly affected by the reorganization process in Article I, II, & III except Higher Education shall implement a plan of reduction in the number of exempt positions filled by 5% for '92 and an additional 5% for '93. The responsibility of implementing this reduction shall rest with the agency heads who shall have the broadest possible discretion in determining what responsibilities are to be retained, merged and/or deleted. The plan shall be submitted to the Governor and Legislative Budget Board for final approval prior to implementation.

Any position to be deleted pursuant to this rider provision may be reinstated upon a finding by the Governor and the Legislative Budget Board that the position is essential to the effective and efficient delivery of state services.

**Sec. 138. IN-KIND GAS PROGRAM.** Under the authority of Subchapter H, Chapter 31 of the Natural Resources Code, the General Land Office shall review and approve any contract entered

into by a state agency for the acquisition of an annual average of 100 MCF per day or more of natural gas used to meet its energy requirements. If the General Land Office is able to substitute a contract using in-kind royalty gas from state-owned lands or other gas for the contract under which the agency acquires or proposes to acquire its natural gas supplies, the Commissioner shall, on a monthly basis, inform the Comptroller of the savings being achieved by the agency and the Comptroller shall reduce the agency's utility appropriation authority accordingly. The Comptroller shall transfer the savings realized into the General Revenue Fund. The Comptroller shall report all such savings realized and all such transfers made into General Revenue to the Legislative Budget Board in the report required under Section 66 of Article V dealing with Utility Appropriations.

**Sec. 139. ANNUAL FEE RATE REVIEW AND ADJUSTMENT.** It is the intent of the legislature that agencies annually review all fees and fee rates administered and adjust rates as necessary to recover the costs of providing services and to maintain rates consistent with inflation.

**Sec. 140. APPROVAL AND NOTIFICATION OF CONSULTANT CONTRACTS.** An appropriation may not be expended to pay for consulting services until the Governor has made a finding of fact that a need exists for the services. In this section, "consulting services" has the meaning given the term in Chapter 454, Acts of the Sixty-fifth Legislature, Regular Session, 1977, Article 6252-11c, Vernon's Texas Civil Statutes. This section applies only to appropriations in Articles I, II, or III of this Act. This section does not apply to payments made under a consulting services contract that has a reasonably foreseeable value of \$10,000 or less or for services obtained under the Professional Services Procurement Act.

No later than the 30th day after the Governor issues a finding of fact that a need exists for the services to be purchased, the agency shall notify the Legislative Budget Board and the appropriate House and Senate Committees of the services to be purchased. The notification required under this section must describe the consulting services purchased, the cost of such services and other information as prescribed by the Legislative Budget Board.

**Sec. 141. LIMITATION ON CONSULTANT CONTRACTS WITH PREVIOUS EMPLOYEES.** None of the funds appropriated to a department or agency may be used to enter into a consultant contract with any individual who has been previously employed by the department or agency within the past twelve months.

**Sec. 142. INTERPRETATION OF LEGISLATIVE INTENT.** It is the intent of the Legislature that funds appropriated in this Act be expended, as nearly as practicable, for the purposes for which they were appropriated. In the event departments and agencies cannot determine legislative purpose from the pattern of appropriations they shall seek to determine that purpose from the proceedings of the legislative committees responsible for proposing appropriations for the State of Texas.

It is further provided that the Comptroller shall not refuse to pass for payment a legal claim, factually justified, for which a valid appropriation has been made.

**Sec. 143. CONTINGENCY FOR LOTTERY REVENUES.** Of the amounts appropriated in this Act from the General Revenue Fund for fiscal year 1993, \$471,000,000 is contingent upon the adoption and implementation of a state lottery. Should a state lottery not be adopted, the Legislative Budget Board shall direct the Comptroller to reduce agency budgets by an amount necessary to decrease general revenue appropriations by \$471,000,000.

**Sec. 144. MASTER LEASE FINANCING AUTHORIZED.** It is the intent of the legislature that master lease financing be used to the extent possible to replace general revenue funding. For that purpose, the Comptroller of Public Accounts is directed to reduce appropriations made in this Act from the General Revenue Fund for the acquisition of information resource technologies and capital equipment to the extent that master lease financing can be used for the purposes of the appropriation. Master lease proceeds are hereby appropriated in an amount equal to the general revenue reduction provided for under this provision.

Sec. 145. **HIGHER EDUCATION ADJUSTMENT.** As an adjustment to the amounts shown in this Act, the Comptroller of Public Accounts is directed to reduce the amounts for the General Revenue Fund as follows:

- a. A reduction of 4.2% shall be applied to the General Revenue Amounts shown for the following institutions, agencies or items of higher education.

The University of Texas at Austin  
Texas A&M University  
The University of Texas Southwestern Medical Center at Dallas  
The University of Texas Medical Branch at Galveston  
The University of Texas Health Science Center at Houston  
The University of Texas Health Science Center at San Antonio  
The University of Texas M.D. Anderson Cancer Center  
The University of Texas Health Center at Tyler  
Texas A&M University College of Medicine  
Texas College of Osteopathic Medicine  
Texas Tech University Health Sciences Center  
Baylor University College of Medicine  
Baylor University College of Dentistry

- b. A reduction of 3.2% shall be applied to the General Revenue amounts shown for all other institutions or agencies of higher education including Trusteed Funds of the Higher Education Coordinating Board, public community/junior colleges, Texas A&M Services, the Texas Food and Fibers Commission and the Texas State Technical college System. Specifically excluded from this reduction are the Higher Education Fund, the National Research Laboratory Commission, and Agency Programs, Services and Operations of the Higher Education Coordinating Board.

The amounts appropriated by this Act are the reduced amounts.

Sec. 146. **EMPLOYEE SALARY INCREASE.** Contingent upon a finding of fact by the Comptroller of Public Accounts at the time of certification or after certification of this Act that sufficient revenue is estimated to be available from the General Revenue Fund and special funds, there is hereby appropriated to the Comptroller of Public Accounts such amounts as may be available for the purpose of providing not more than a 3% salary increase each year of the 1992-93 biennium for state employees and officials, including employees of institutions of higher education.

The Comptroller of Public Accounts shall promulgate rules and regulations which may be necessary to administer this provision.